

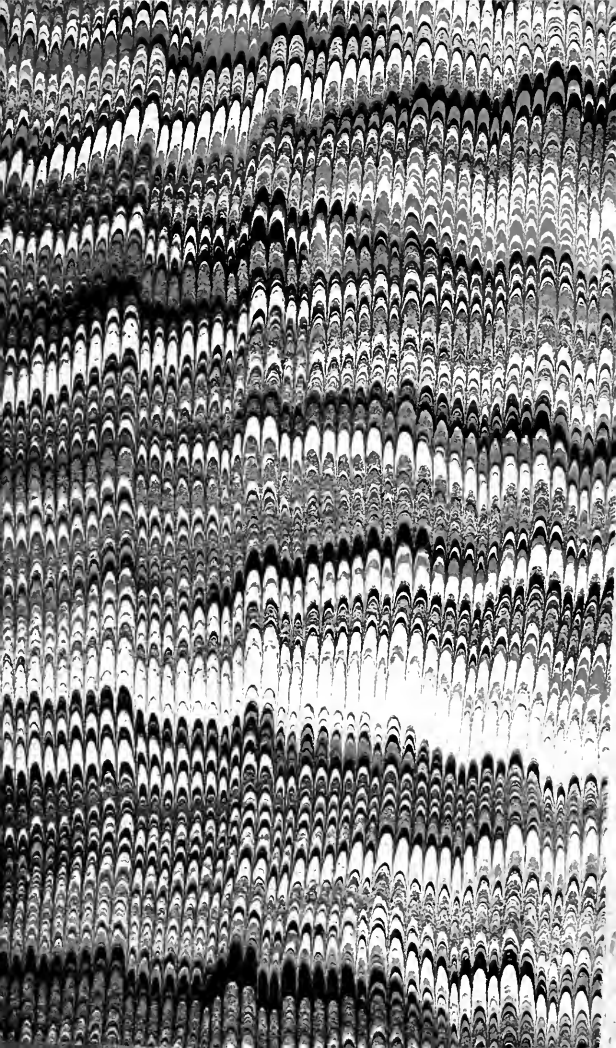


LIBRARY

THE UNIVERSITY  
OF CALIFORNIA  
SANTA BARBARA

FROM THE LIBRARY OF  
MRS. H. RUSSELL AMORY.

GIFT OF HER CHILDREN  
R. W. AND NINA PARTRIDGE.





Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation



*Brougham's Hist. of Parli. & Const. Hist.*  
HISTORICAL SKETCHES

OF

STATESMEN

WHO FLOURISHED IN

THE TIME OF GEORGE III.;

TO WHICH ARE ADDED,

REMARKS ON PARTY, AND AN APPENDIX.

FIRST SERIES.

VOLUME I.

---

BY

HENRY LORD BROUGHAM, F.R.S.,

AND MEMBER OF THE NATIONAL INSTITUTE OF FRANCE.

---

LONDON:

CHARLES KNIGHT & CO., LUDGATE STREET.

---

1845.

LONDON: WILLIAM CLOWES AND SONS, STAMFORD STREET.



DA  
506  
A1  
B73  
1845  
v.1

( iii )

## CONTENTS.

---

	PAGE
INTRODUCTION . . . . .	5
GEORGE III. . . . .	10
LORD CHATHAM . . . . .	24
LORD NORTH . . . . .	61
LORD LOUGHBOROUGH . . . . .	87
LORD THURLOW . . . . .	109
LORD MANSFIELD . . . . .	124
LORD CHIEF JUSTICE GIBBS . . . . .	153
SIR WILLIAM GRANT . . . . .	167
MR. BURKE . . . . .	175
MR. FOX . . . . .	218



# STATESMEN

OF THE

## TIME OF GEORGE III.

---

### INTRODUCTION.

THE affairs of men, the interests and the history of nations, the relative value of institutions as discovered by their actual working, the merits of different systems of policy as tried by their effects, are all very imperfectly examined without a thorough knowledge of the individuals who administered the systems and presided over the management of the public concerns. The history of empires is, indeed, the history of men, not only of the nominal rulers of the people, but of all the leading persons who exerted a sensible influence over the destinies of their fellow-creatures, whether the traces of that influence survived themselves, or, as in the case of lesser minds, their power was confined to their own times.

But, in another view, this kind of inquiry, this

species of record, is even more important. Not only the world at large is thus instructed, but the character of statesmen and rulers is improved. Examples are held up of the faults which they are to avoid, and of the virtues which they are to cultivate. Nor can history ever be the school of potentates, whether on or near the throne, unless the character and the conduct of their predecessors be thoroughly scrutinized. This task has been attempted in the following work, which aspires, therefore, to a higher office than merely amusing the vacant hours of the idle (the hours a little more unemployed than the bulk of their time), and aims at recording, for the warning or for the encouragement of the great, the errors or the wisdom, the vices or the virtues, of their predecessors. It is a well-meant contribution, of which the merit is very humbly rated by its author, to the fund of Useful Knowledge as applied to the Education of those upon whose information or ignorance the fortunes of mankind in an especial manner depend. But, how moderate soever may be the merits of the contributor, the value of the contribution cannot easily be estimated too highly, if, by only stating the facts with careful accuracy, and drawing the inferences with undeviating candour, those who voluntarily assume the government of nations are taught to regard their duties as paramount to their interests, and made to learn that ignorance of their

craft is in their calling criminal, by having placed before their eyes the examples of others—their signal punishment to deter from vice, their glorious reward to stimulate in well-doing. This salutary lesson will be taught if the friends of mankind, the votaries of duty, of peace, of freedom, be held up to veneration, while their enemies, themselves the slaves of ambition or avarice, and who would forge fetters for their fellow-creatures or squander their substance or their blood, are exhibited to the scorn and hatred of after-ages.

The chief objection to such a work, undertaken so soon after the persons whom it undertakes to portray have left this earthly scene, arises from the difficulty of preserving strict impartiality in considering their merits. This difficulty is not denied ; its formidable magnitude is not underrated. Even if no human feelings with respect to men, between whom and ourselves there may have existed relations of amity or of hostility, swayed the mind, yet are we ever prone to view through a distorting medium those whose principles agreed with or differed from our own upon questions still of daily occurrence—of men, too, whose party connexions united them with classes still in existence and actively engaged in the proceedings of the present day.

But, while this is admitted to render the attempt difficult, it may not be found to make it hopeless.

At any rate we are placed in a choice of evils. A postponement till the day when there should be no possibility of passion or prejudice shading the path of the historian may extinguish the recollections, also, which alone can give value to his narrative. The transfer of the work to mere strangers, who can be animated by no feeling of a personal kind, leaves it in hands, if not altogether incapable of performing it satisfactorily, at least incomparably inferior in the power of giving vivid likenesses of contemporary statesmen. At the very least, these portraitures may be regarded as materials for history, if not worthy of being called historical themselves; and future penmen may work upon them with the benefit of contemporary testimony as to facts, though free from the bias which may have influenced the conclusions. The author can only affirm, and this he does most conscientiously, that he has ever felt under a sacred obligation to pursue the truth of his resemblances without either exaggeration or concealment; that he has written, or endeavoured to write, as if he had lived in a remote age or country from those whose rulers he has endeavoured to describe; and that, if any prejudices or predilections have operated upon his mind, they have been unknown to himself. He is quite aware that some may consider this as a very equivocal test of his impartiality, if they do not rather see in it an additional symptom of blind prepossession.

But he thinks the praise bestowed upon known political adversaries, and the disapproval, admitted to be just, of conduct frequently held by the party for whose services to the cause of freedom he is most grateful, will be taken as some evidence of general impartiality, though it may not suffice to exempt him from the charge of having sometimes unwarily fallen into the snares that beset the path of whoever would write contemporary annals.

---

## G E O R G E I I I.

---

THE centre figure round which the others that compose this picture group themselves, and with which they almost all have relations, is that of George III., a prince whose long reign, during by far the most important period in the history of the human race, rendered his character and conduct a matter of the deepest interest not only to the people of his vast dominions, but to all mankind. He presided over the destinies of the British Empire, the only free state in the world, during an age that witnessed the establishment of independence in the new hemisphere, and the extension of liberty over a great portion of the old. He ruled the most enlightened nation of modern times, while civilization, rapidly spreading in all directions, dispelled the remains of feudal darkness in Europe, carried its light over other quarters of the globe, and discovered and cultivated unknown regions. Wherefore, his capacity, whether to appreciate his position, or to aid in the progress of his people and his species, if he should have the wisdom to choose the right path, or to obstruct it, should he erro-



neously deem resistance the better course, was a matter of the greatest importance both to himself personally, to the order in which his lot was cast, and to the rest of mankind. Unhappily he took the wrong direction ; and, having once taken, persevered in it with the pertinacity that marks little minds of all ranks, but which in royal understandings often amounts to a mental disease.

Of a narrow understanding, which no culture had enlarged ; of an obstinate disposition, which no education, perhaps, could have humanized ; of strong feelings in ordinary things, and a resolute attachment to all his own opinions and predilections, George III. possessed much of the firmness of purpose which, being exhibited by men of contracted mind without any discrimination, and as pertinaciously when they are in the wrong as when they are in the right, lends to their characters an appearance of inflexible consistency, which is often mistaken for greatness of mind, and not seldom received as a substitute for honesty. In all that related to his kingly office he was the slave of deep-rooted selfishness ; and no feeling of a kindly nature ever was allowed access to his bosom, whenever his power was concerned, either in its maintenance or in the manner of exercising it. In other respects, he was a man of amiable disposition, and few princes have been more exemplary in their domestic habits, or in the offices of private friend-

ship. But the instant that his prerogative was concerned, or his bigotry interfered with, or his will thwarted, the most unbending pride, the most bitter animosity, the most calculating coldness of heart, the most unforgiving resentment, took possession of his whole breast, and swayed it by turns. The habits of friendship, the ties of blood, the dictates of conscience, the rules of honesty, were alike forgotten; and the fury of the tyrant, with the resources of a cunning which mental alienation is supposed to whet, were ready to circumvent or to destroy all who interposed an obstacle to the fierceness of unbridled desire. His conduct throughout the American war, and towards the Irish people, has often been cited as illustrative of the dark side of his public character; and his treatment of his eldest son, whom he hated with a hatred scarcely consistent with the supposition of a sound mind, might seem to illustrate the shadier part of his personal disposition; but it was in truth only another part of his public, his professional conduct: for he had no better reason for this implacable aversion than the jealousy which men have of their successors, and the consciousness that the Prince, who must succeed him, was unlike him, and, being disliked by him, must, during their joint lives, be thrown into the hands of the Whig party, the adversaries he most of all detested and feared.

Although much of the character now portrayed

had its origin in natural defect, and part of it in a mind tinged with disease, yet they who had the care of his youth are deeply answerable for the neglect which both added to it many defects, and prevented those of nature from being eradicated or counteracted. His mother, the Dowager Princess, was a woman of neither knowledge, accomplishments, nor abilities; and she confided his education to her friend, now generally believed to have stood in a more tender relation towards her, Lord Bute. The want of instruction of which George III. could complain must have been great indeed; for, if any man was little likely to overrate the value of superfluous or extensive information, it was he. Yet a witness, above all suspicion, Sir Herbert Taylor, has recorded that he lamented, while he admitted, his want of education. Can there be a more shameful thing related? Can any parties, in the station of his Royal parent and her favourite, be guilty of a more disgraceful breach of duty than to leave the future monarch of a free and enlightened people without the instruction which all but the lower classes of his subjects give to their children as a matter of course?

Being not deficient in natural quickness, and the more regularly industrious because of his habitually temperate life, he made himself thoroughly master of all the ordinary details of business; insomuch, that the same high authority has ascribed to him a

more thorough knowledge of the duties of each several department in the state than any other man ever possessed, and this is the testimony of one both singularly accurate in stating facts, and eminently qualified to form such a comparative estimate by his own intimate acquaintance with official details. We must, however, take care not to overrate the difficulty or the value of this acquirement. Kings have a peculiar interest in ascertaining the bounds of each department's duties and rights. They find protection in keeping each within its own limits. Coming, of necessity, into frequent contact with them all, monarchs can easily master the knowledge of their several prerogatives and functions; so that this becomes like heraldry and etiquette, wherein they are all great proficient, emphatically a Royal branch of knowledge. No proofs remain, nor has even any assertion been made, that he had any familiarity with the nobler branches of information connected with state affairs; the constitution and privileges of parliament; the jurisdiction of Courts; the principles, nay, even the details of banking, or of trade generally; the East India or Colonial affairs of his Empire; the interests of foreign countries; the statistics of his own; all of them kinds of knowledge as certainly worthy of princes as they are generally despised by them. That he was a diligent man of business, punctual to his appointments, regular in the distri-

bution of his time, never wanting when his mechanical interposition was required, always ready to continue at work until the affair in hand was despatched, nor ever suffering pleasure or distraction of any kind to interfere with the transaction of the matters belonging to his high station, is as undeniable as that all this might be predicated of one who had the most limited capacity, or the most confined information, and who had little else to recommend him than the strict sense of his official duties, and the resolution to make everything yield to the discharge of them, those duties being much more of the hand than the head.

But it would be a great mistake to imagine that George III.'s ambition was confined within the range of his abilities. He was impressed with a lofty feeling of his prerogative, and a firm determination to maintain, perhaps extend it. At all events, he was resolved not to be a mere name, or a cipher in public affairs; and, whether from a sense of the obligations imposed upon him by his station, or from a desire to enjoy all its powers and privileges, he certainly, while his reason remained entire, but especially during the earlier period of his reign, interfered in the affairs of government more than any prince who ever sat upon the throne of this country since our monarchy was distinctly admitted to be a limited one, and its executive functions were distributed among responsible minis-

ters. The correspondence which he carried on with his confidential servants during the ten most critical years of his life lies before us, and it proves that his attention was ever awake to all the occurrences of the government. Not a step was taken in foreign, colonial, or domestic affairs, that he did not form his opinion upon it, and exercise his influence over it. The instructions to ambassadors, the orders to governors, the movements of forces down to the marching of a single battalion in the districts of this country, the appointments to all offices in church and state, not only the giving away of judgeships, bishoprics, regiments, but the subordinate promotions, lay and clerical ; all these form the topics of his letters ; on all his opinion is pronounced decisively ; on all his will is declared peremptorily. In one letter he decides the appointment of a Scotch puisne judge ; in another the march of a troop from Buckinghamshire into Yorkshire ; in a third the nomination to the Deanery of Worcester ; in a fourth he says that, " if Adam, the architect, succeeds Worsley at the Board of Works, he shall think Chambers ill used." \*

For the greater affairs of state it is well known how substantially he insisted upon being the King *de facto* as well as *de jure*. The American war,

\* This was in 1777, in the middle of the most anxious moment of the American contest ; the letter immediately preceding relates to the sum of affairs.

the long exclusion of the Liberal party, the French Revolution, the Catholic question, are all sad monuments of his real power. Of all his resolutions on these affairs, the desire to retain America in subjection seems to have been his strongest propensity; during the whole contest all his opinions, all his feelings, and all his designs, turned upon what he termed the "preservation of the empire." Nor was his rooted prejudice against both the Whigs and the French unconnected with the part they both took in behalf of the colonies. Rather than quit his hold over those provinces and receive the Whigs into his confidence, or do what he called "submitting to be trampled on by his enemies," he at one time threatened to abdicate, and they who knew him are well aware that he did not threaten without a fixed resolution to act. No less than thrice within four days, in March 1778, did he use this language, in the agony of his mind, at having a junction with the Whig party proposed by his chief minister; and upon one occasion he says, "If the people will not stand by me, they shall have another king, for I never will set my hand to what will make me miserable to the last hour of my life." The threat is revived upon the division against Lord North four years afterwards.

That such a sovereign was, for the servants he confided in, the best possible master, may well be supposed. He gave them his entire and hearty

support. If he kept a watchful eye over all the proceedings both of parliament and the country ; if we find him one day commenting on the line taken in debate as “ dangerous,” at another “ timid and vacillating,” or discussing the composition of the majority or its numbers upon the division, or suggesting that the journey of Mr. Fox to Paris should “ make the different departments bring on all their business before he comes back, as we shall have much less noise for the next three weeks ;” or expressing his conviction that “ the Speaker’s illness is feigned, and all to let the opposition have their pleasure at Newmarket ;” he also asks, “ Who deserted you last night that you thought you had a right to count upon ? Give me their names, that I may mark my sense of their behaviour at the drawing-room to-morrow ;” and again, “ If the utmost obsequiousness on my part, at the levee to-day, can gain over Mr. Solicitor-General to your views, it shall not be wanting.” This was, indeed, efficiently supporting a favourite ministry ; and when he had one forced upon him, his whole conduct was the reverse ; all his countenance being given to their antagonists, until the moment arrived when he could safely throw them out.

The first impression which such conduct makes is unfavourable to the monarch, and may at first sight even give rise to an opinion that it was unconstitutional. But further reflection makes this



somewhat more than doubtful. The question is, "Does the king of this country hold a real or only a nominal office? Is he merely a form, or is he a substantive power in our mixed and balanced constitution?" Some maintain, nay, it is a prevailing opinion among certain authorities of no mean rank, that the sovereign, having chosen his ministers, assigns over to them the whole executive power. They treat him as a kind of trustee for a temporary use, to preserve, as it were, some contingent estate; or a provisional assignee, to hold the property of an insolvent for a day, and then divest himself of the estate by assigning it over. They regard the only power really vested in the crown to be the choice of ministers, and even the exercise of this to be controlled by the parliament. They reduce the king more completely to the condition of a state pageant or state cipher than one of Abbé Sièyes's constitutions did, when he proposed to have a Grand Functionary with no power except to give away offices; upon which Napoleon, then first consul, to whom the proposition was tendered, asked if it well became him to be made a "*Cochon à l'engrais à la somme de trois millions par an*?"\* The English animal, according to the Whig doctrine, much more nearly answers this somewhat coarse description; for the Abbé's plan was to give

\* A hog to be fatted at the rate of 120,000*l.* a-year.

his royal beast a substantial voice in the distribution of all patronage ; while our lion is only to have the sad prerogative of naming whomsoever the parliament chooses, and eating his own mess in quiet.

Now, with all the disposition in the world to desire that Royal prerogative should be restricted, and the will of the nation govern the national affairs, we cannot comprehend this theory of a monarchy. It assigns to the Crown either far too much revenue, or far too little power. To pay a million a-year, or more, for a name, seems absurdly extravagant. To affect living under a kingly government, and yet suffer no kind of kingly power, seems extravagantly absurd. Surely the meaning of having a sovereign is, that his voice should be heard, and his influence felt, in the administration of public affairs. The different orders of the state have a right to look towards that high quarter all in their turn for support when their rights are invaded by one another's encroachments, or to claim the Royal umpirage when their mutual conflicts cannot be settled by mutual concessions ; and unless the whole notion of a mixed monarchy, and a balance of three powers, is a mere fiction and a dream, the royal portion of the composition must be allowed to have some power, to produce some effect upon the quality of the whole. It is not denied that George III. sought to rule too much ;

it is not maintained that he had a right to be perpetually sacrificing all other considerations to the preservation or extension of his prerogative. But that he only discharged the duty of his station by thinking for himself, acting according to his conscientious opinions, and using his influence for giving these opinions effect, cannot be denied unless by those who, being averse to monarchy, and yet dreading a commonwealth, would incur all the cost, and all the far worse evils, of a form of government which they think the worst, rather than seek for a better, and would purchase the continuance of the greatest evils at the highest price, rather than encounter the risk of a change.\*

That this Prince in his private life had many virtues, we have already stated, with the qualification annexed of these being always, even as regarded his strong domestic affections, kept in subjection to his feelings as a sovereign. With regard to his general disposition, it must be added that he belonged to a class of men, not by any means the worst, but far beneath the best, in the constitution of their hearts, those who neither can forget a

\* George III. set one example which is worthy of imitation in all times. He refused to be made a state puppet in his minister's hands, and to let his name be used either by men whom he despised, or for purposes which he disapproved. Nor could any one ever accuse him of ruling by favourites; still less could any one, by pretending to be the people's choice, impose himself on his vigorous understanding.

kindness nor an injury. Nor can this sketch be more appropriately closed than with two remarkable examples of the implacable hatred he bore his enemies, and the steady affection with which he cherished his friends.

Among the former, Lord Chatham held the most conspicuous place, apparently from the time of the American question; for at an earlier period his correspondence with that great man was most friendly. But the following is his answer to Lord North's proposal that Lord Chatham's pension should be settled in reversion on his younger son, afterwards so well known as the second William Pitt. It bears date August 9th, 1775. "The making Lord Chatham's family suffer for the conduct of their father is not in the least agreeable to my sentiments. But I should choose to know him to be totally unable to appear again on the public stage before I agree to any offer of that kind, lest it should be wrongly construed into a fear of him; and indeed his political conduct the last winter was so abandoned, that he must, in the eyes of the dispassionate, have totally undone all the merit of his former conduct. As to any gratitude to be expected from him or his family, the whole tenor of their lives has shown them void of that most honourable sentiment. But *when decrepitude or death puts an end to him as a trumpet of sedition*, I shall make no difficulty in placing the second son's name instead of the father's, and making up the pension 3000*l*."

From the truly savage feelings which this letter displays, it is agreeable to turn the eye upon so amiable a contrast as the following affords, written to the minister whom he ever loved beyond all his other servants, and only quitted when the Coalition united him to the Whigs:—

“Having paid the last arrears (Sept. 1777) on the Civil List, I must now do the same for you. I have understood, from your hints, that you have been in debt ever since you settled in life. I must therefore insist that you allow me to assist you with 10,000*l.*, or 15,000*l.*, or even 20,000*l.*, if that will be sufficient. It will be easy for you to make an arrangement, or at proper times to take up that sum. You know me very ill if you think not that, of all the letters I ever wrote to you, this one gives me the greatest pleasure; and I want no other return but your being convinced that I love you as well as a man of worth, as I esteem you as a minister. Your conduct at a critical moment I never can forget.”

These remarkable and characteristic letters naturally introduce to us his two celebrated correspondents, Lord Chatham and Lord North; the one, until Mr. Fox came upon the stage, of all his adversaries, the one he pursued with the most unrelenting hatred; the other, of all his servants, the one for whom he felt the warmest friendship.

LORD CHATHAM.

---

THERE is hardly any man in modern times, with the exception, perhaps, of Lord Somers, who fills so large a space in our history, and of whom we know so little, as Lord Chatham; and yet he is the person to whom every one would at once point, if desired to name the most successful statesman and most brilliant orator that this country ever produced. Of Lord Somers, indeed, we can scarcely be said to know anything at all. That he was a person of unimpeachable integrity, a judge of great capacity and learning, a firm friend of liberty, but a cautious and safe counsellor in most difficult emergencies, all are ready to acknowledge. But the authority which he possessed among his contemporaries, the influence which his sound and practical wisdom exercised over their proceedings, the services which he was thus enabled to render in steering the constitution safe through the most trying times, and saving us from arbitrary power without paying the price of our liberties in anarchy and bloodshed,—nay, conducting the whole proceedings of a revolution with all the deliberation,

and almost in the forms, of an ordinary legal proceeding ; have surrounded his name with a mild yet imperishable glory, which, in the contrast of our dark ignorance respecting all the particulars and details of his life, gives the figure something altogether mysterious and ideal. It is now unfortunately too late, by supplying this information, to fill up the outline which the meagre records of his times have left us. But it is singular how much of Lord Chatham, who flourished within the memory of the present generation, still rests upon vague tradition. As a statesman, indeed, he is known to us by the events which history has recorded to have happened under his administration. Yet even of his share in bringing these about, little has been preserved of detail. So, fragments of his speeches have been handed down to us, but these bear so very small a proportion to the prodigious fame which his eloquence has left behind it, that far more is manifestly lost than has reached us ; while of his written compositions but a few letters have hitherto been given to the world.

The imperfect state of Parliamentary Reporting is the great cause of this blank. From the time of his entering the House of Commons to that of his quitting it, the privileges of Parliament almost wholly precluded the possibility of regular and full accounts of debates being communicated to the

public. At one period they were given under feigned names, as if held in the Senate of Rome by the ancient orators and statesmen; at another they were conveyed under the initials only of the names borne by the real speakers. Even when, somewhat later, these disguises were thrown aside, the speeches were composed by persons who had not been present at the debates, but gleaned a few heads of each speaker's topics from some one who had heard him; and the fullest and most authentic of all those accounts are merely the meagre outline of the subjects touched upon, preserved in the Diaries or Correspondence of some contemporary politicians, and presenting not even an approximation to the execution of the orators. Thus many of Lord Chatham's earlier speeches in the House of Commons, as now preserved, were avowedly the composition of Dr. Johnson, whose measured style, formal periods, balanced antitheses, and total want of pure racy English, betray their author at every line, while each debater is made to speak exactly in the same manner. For some years after he ceased to report, or rather to manufacture, that is, from 1751 downwards, a Dr. Gordon furnished the newspapers with reports, consisting of much more accurate accounts of what had passed in debate, but without pretending to give more than the mere substance of the several speeches. The debates upon the American Stamp Act, in 1764,



are the first that can be said to have been preserved at all, through the happy accident of Lord Charlemont, assisted by Sir Robert Deane, taking an extraordinary interest in the subject as bearing upon the grievances of Ireland ; and accordingly they have handed down to us some notes, from internal evidence plainly authentic, of Lord Chatham's celebrated speeches upon that question. A few remains of his great displays in the House of Lords have in like manner been preserved, chiefly in the two speeches reported by Mr. Hugh Boyd ; the second of which, the most celebrated of all, upon the employment of the Indians in the American war, there is reason to believe was revised and corrected by Lord Chatham himself ; and if so, it was certainly the only one that ever underwent his revision. If any one will only compare the extreme slenderness of these grounds upon which to estimate a speaker's claim to renown, or to judge of the characteristics of his eloquence, with the ample means which we have of studying the merits of almost all the ancient orators, and examining their distinguishing qualities, he will be sensible how much any idea which we can form of Lord Chatham's oratory must rest upon tradition, that is, upon the accounts left by contemporary writers of its effects ; and how little we are enabled to judge for ourselves by examining the specimens that remain of his composition. It seems little

short of presumption, after this statement, to attempt including his character as an orator in the sketch which may be given of this great man. But the testimony of contemporaries may so far be helped by what remains of the oratory itself, as to make some faint conceptions attainable of that eloquence which, for effect at least, has surpassed any known in modern times.

The first place among the great qualities which distinguished Lord Chatham, is unquestionably due to firmness of purpose, resolute determination in the pursuit of his objects. This was the characteristic of the younger Brutus, as he said, who had spared his life to fall by his hand—*Quicquid vult, id valde vult*; and although extremely apt to exist in excess, it must be admitted to be the foundation of all true greatness of character. Everything, however, depends upon the endowments in company of which it is found; and in Lord Chatham these were of a very high order. The quickness with which he could ascertain his object, and discover his road to it, was fully commensurate with his perseverance and his boldness in pursuing it; the firmness of grasp with which he held his advantage was fully equalled by the rapidity of the glance with which he discovered it. Add to this, a mind eminently fertile in resources; a courage which nothing could daunt in the choice of his means; a resolution equally indomitable in their application;

a genius, in short, original and daring, which bounded over the petty obstacles raised by ordinary men—their squeamishness, and their precedents, and their forms, and their regularities—and forced away its path through the entanglements of this base undergrowth to the worthy object ever in view, the prosperity and the renown of his country. Far superior to the paltry objects of a grovelling ambition, and regardless alike of party and of personal considerations, he constantly set before his eyes the highest duty of a public man, to further the interests of his species. In pursuing his course towards that goal, he disregarded alike the frowns of power and the gales of popular applause, exposed himself undaunted to the vengeance of the Court, while he battled against its corruptions, and confronted, unappalled, the rudest shocks of public indignation, while he resisted the dictates of pernicious agitators, and could conscientiously exclaim, with an illustrious statesman of antiquity, “*Ego hoc animo semper fui ut invidiam virtute partam, gloriam non invidiam putarem!*”

Nothing could be more entangled than the foreign policy of this country at the time when he undertook the supreme direction of her affairs: nothing could be more disastrous than the aspect of her fortunes in every quarter of the globe. With a single ally in Europe, the King of Prussia, and him beset by a combination of all the con-

tinental powers in unnatural union to effect his destruction ; with an army of insignificant amount, and commanded by men only desirous of grasping at the emoluments, without doing the duties or incurring the risks of their profession ; with a navy that could hardly keep the sea, and whose chiefs vied with their comrades on shore in earning the character given them by the new Minister,—of being utterly unfit to be trusted in any enterprise accompanied with the least appearance of danger ; with a generally prevailing dislike of both services, which at once repressed all desire of joining either, and damped all public spirit in the country, by extinguishing all hope of success, and even all love of glory—it was hardly possible for a nation to be placed in circumstances more inauspicious to military exertions ; and yet war raged in every quarter of the world where our dominion extended, while the territories of our only ally, as well as those of our own sovereign in Germany, were invaded by France, and her forces by sea and land menaced our shores. In the distant possessions of the Crown the same want of enterprise and of spirit prevailed. Armies in the West were paralysed by the inaction of a Captain who would hardly take the pains of writing a despatch to chronicle the nonentity of his operations ; and in the East, while frightful disasters were brought upon our settlements by Barbarian powers, the

only military capacity that appeared in their defence was the accidental display of genius and valour by a merchant's clerk, who thus raised himself to celebrity.\* In this forlorn state of affairs, which rendered it as impossible to think of peace, as hopeless to continue the yet inevitable war, the base and sordid views of politicians kept pace with the mean spirit of the military caste; and parties were split or united, not upon any difference or agreement of public principle, but upon mere questions of patronage and of share in the public spoil, while all seemed alike actuated by one only passion, the thirst alternately of power and of gain.

As soon as Mr. Pitt took the helm, the steadiness of the hand that held it was instantly felt in every motion of the vessel. There was no more of wavering counsels, of torpid inaction, of listless expectancy, of abject despondency. His firmness gave confidence, his spirit roused courage, his vigilance secured exertion, in every department under his sway. Each man, from the first Lord of the Admiralty down to the most humble clerk in the Victualling Office—each soldier, from the Commander-in-Chief to the most obscure contractor or commissary—now felt assured that he was acting or was indolent under the eye of one who knew

\* Mr. Clive, afterwards Lord Clive.

his duties and his means as well as his own, and who would very certainly make all defaulters, whether through misfeasance or through nonfeasance, accountable for whatever detriment the commonwealth might sustain at their hands. Over his immediate coadjutors his influence swiftly obtained an ascendant which it ever after retained uninterrupted. Upon his first proposition for changing the conduct of the war, he stood single among his colleagues, and tendered his resignation should they persist in their dissent; they at once succumbed, and from that hour ceased to have an opinion of their own upon any branch of the public affairs. Nay, so absolutely was he determined to have the control of those measures, of which he knew the responsibility rested upon him alone, that he insisted upon the first Lord of the Admiralty not having the correspondence of his own department; and no less eminent a naval character than Lord Anson, as well as his junior Lords, was obliged to sign the naval orders issued by Mr. Pitt, while the writing was covered over from their eyes!

The effects of this change in the whole management of the public business, and in all the plans of the Government, as well as in their execution, were speedily made manifest to the world. The German troops were sent home, and a well-regulated militia being established to defend the country, a large

disposable force was distributed over the various positions whence the enemy might be annoyed. France, attacked on some points, and menaced on others, was compelled to retire from Germany, soon afterwards suffered the most disastrous defeats, and, instead of threatening England and her allies with invasion, had to defend herself against attack, suffering severely in several of her most important naval stations. No less than sixteen islands, and settlements, and fortresses of importance, were taken from her in America, and Asia, and Africa, including all her West Indian colonies, except St. Domingo, and all her settlements in the East. The whole important province of Canada was likewise conquered; and the Havannah was taken from Spain. Besides this, the seas were swept clear of the fleets that had so lately been insulting our colonies, and even our coasts. Many general actions were fought and gained; one among them the most decisive that had ever been fought by our navy. Thirty-six sail of the line were taken or destroyed; fifty frigates; forty-five sloops of war. So brilliant a course of uninterrupted success had never, in modern times, attended the arms of any nation carrying on war with other states equal to it in civilisation, and nearly a match in power. But it is a more glorious feature in this unexampled Administration which history has to record, when it adds, that all public distress had disappeared;

that all discontent in any quarter, both of the colonies and parent state, had ceased ; that no oppression was anywhere practised, no abuse suffered to prevail ; that no encroachments were made upon the rights of the subject, no malversation tolerated in the possessors of power ; and that England, for the first time and for the last time, presented the astonishing picture of a nation supporting without murmur a widely-extended and costly war, and a people, hitherto torn with conflicting parties, so united in the service of the commonwealth that the voice of faction had ceased in the land, and any discordant whisper was heard no more. “ These,” (said the son of his first and most formidable adversary, Walpole, when informing his correspondent abroad, that the session, as usual, had ended without any kind of opposition or even of debate),—“ These are the doings of Mr. Pitt, and they are wondrous in our eyes ! ”

To genius irregularity is incident, and the greatest genius is often marked by eccentricity, as if it disdained to move in the vulgar orbit. Hence he who is fitted by his nature, and trained by his habits, to be an accomplished “ pilot in extremity,” and whose inclinations carry him forth “ to seek the deep when the waves run high,” may be found, if not “ to steer too near the shore,” yet to despise the sunken rocks which they that can only be trusted in calm weather would have more surely avoided.



To this rule it cannot be said that Lord Chatham afforded any exception; and although a plot had certainly been formed to eject him from the Ministry, leaving the chief control of affairs in the feeble hands of Lord Bute, whose only support was court favour, and whose chief talent lay in an expertness at intrigue, yet there can be little doubt that this scheme was only rendered practicable by the hostility which the great Minister's unbending habits, his contempt of ordinary men, and his neglect of every-day matters, had raised against him among all the creatures both of Downing-street and St. James's. In fact, his colleagues, who necessarily felt humbled by his superiority, were needlessly mortified by the constant display of it; and it would have betokened a still higher reach of understanding, as well as a purer fabric of patriotism, if he, whose great capacity threw those subordinates into the shade; and before whose vigour in action they were sufficiently willing to yield, had united a little suavity in his demeanour with his extraordinary powers, nor made it always necessary for them to acknowledge as well as to feel their inferiority. It is certain that the insulting arrangement of the Admiralty, to which reference has been already made, while it lowered that department in the public opinion, rendered all connected with it his personal enemies; and, indeed, though there have since his days been Prime

Ministers whom he would never have suffered to sit even as puisne lords at his boards, yet were one like himself again to govern the country, the Admiralty chief, who might be far inferior to Lord Anson, would never submit to the humiliation inflicted upon that gallant and skilful captain. Mr. Pitt's policy seemed formed upon the assumption that either each public functionary was equal to himself in boldness, activity, and resource, or that he was to preside over and animate each department in person. Such was his confidence in his own powers, that he reversed the maxim of governing, never to force your way where you can win it; and always disdained to insinuate where he could dash in, or to persuade where he could command. It thus happened that his colleagues were but nominally coadjutors, and though they durst not thwart him, yet rendered no heart-service to aid his schemes. Indeed it has clearly appeared since his time that they were chiefly induced to yield him implicit obedience, and leave the undivided direction of all operations in his hands, by the expectation that the failure of what they were wont to sneer at as "Mr. Pitt's visions" would turn the tide of public opinion against him, and prepare his downfall from a height of which they felt that there was no one but himself able to dispossess him.

The true test of a great man—that at least which

must secure his place among the highest order of great men—is his having been in advance of his age. This it is which decides whether or not he has carried forward the grand plan of human improvement ; has conformed his views and adapted his conduct to the existing circumstances of society, or changed those so as to better its condition ; has been one of the lights of the world, or only reflected the borrowed rays of former luminaries, and sat in the same shade with the rest of his generation at the same twilight or the same dawn. Tried by this test, the younger Pitt cannot certainly be said to have lived before his time, or shed upon the age to which he belonged the illumination of a more advanced civilisation and more inspired philosophy. He came far too early into public life, and was too suddenly plunged into the pool of office, to give him time for the study and the reflection which can alone open to any mind, how vigorous soever may be its natural constitution, the views of a deep and original wisdom. Accordingly it would be difficult to glean, from all his measures and all his speeches, anything like the fruits of inventive genius ; or to mark any token of his mind having gone before the very ordinary routine of the day, as if familiar with any ideas that did not pass through the most vulgar understandings. His father's intellect was of a higher order ; he had evidently, though without

much education, and with no science of any kind, yet reflected deeply upon the principles of human action, well studied the nature of men, and pondered upon the structure of society. His reflections frequently teem with the fruits of such meditation, to which his constantly feeble health perhaps gave rise rather than any natural proneness to contemplative life, from whence his taste must have been alien ; for he was eminently a man of action. His appeals to the feelings and passions were also the result of the same reflective habits, and the acquaintance with the human heart which they had given him. But if we consider his opinions, though liberal and enlightened upon every particular question, they rather may be regarded as felicitous from their adaptation to the actual circumstances in which he was called upon to advise or to act, than as indicating that he had seen very far into future times, and anticipated the philosophy which further experience should teach to our more advanced age of the world. To take two examples from the two subjects upon which he had both thought the most, and been the most strenuously engaged in handling practically as a statesman,—our relations with France and with America:—The old and narrow notions of natural enmity with the one, and natural sovereignty over the other, were the guides of his whole opinions and conduct in those great arguments. To cultivate the relations of peace

with our nearest neighbour, as the first of blessings to both nations, each being able to do the other most good in amity and most harm in hostility, never appears to have entered into the system of policy enlightened by that fiery soul, which could only see glory or even safety in the precarious and transient domination bestowed by a successful war. To become the fast friends of those colonies which we had planted and long retained under our protecting government, and thus both to profit ourselves and them the more by suffering them to be as independent as we are, was an idea that certainly could not be said once to have crossed his impetuous and uncompromising mind; for it had often been entertained by him, but only to be rejected with indignation and abhorrence, as if the independence of America were the loss of our national existence. Upon all less important questions, whether touching our continental or our colonial policy, his opinion was to the full as sound, and his views as enlarged, as those of any statesman of his age; but it would not be correct to affirm that on those, the cardinal, and therefore the trying, points of the day, he was materially in advance of his own times.

If we turn from the statesman to survey the orator, our examination must be far less satisfactory, because our materials are extremely imperfect, from the circumstances already adverted to. There is indeed hardly any eloquence, of ancient or

of modern times, of which so little that can be relied on as authentic has been preserved ; unless perhaps that of Pericles, Julius Cæsar, and Lord Bolingbroke. Of the actions of the two first we have sufficient records, as we have of Lord Chatham's ; of their speeches we have little that can be regarded as genuine ; although, by unquestionable tradition, we know that each of them was second only to the greatest orator of their respective countries ;\* while of Bolingbroke we only know, from Dean Swift, that he was the most accomplished speaker of his time ; and it is related of Mr. Pitt (the younger), that when the conversation rolled upon lost works, and some said they should prefer restoring the books of Livy, some of Tacitus, and some a Latin tragedy, he at once decided for a speech of Bolingbroke. What we know of his own father's oratory is much more to be gleaned from contemporary panegyrics, and accounts of its effects, than from the scanty, and for the most part doubtful, remains which have reached us.

All accounts, however, concur in representing those effects to have been prodigious. The spirit and vehemence which animated its greater passages

\* Thucydides gives three speeches of Pericles, which he may very possibly have in great part composed for him. Sallust's speech of Cæsar is manifestly the writer's own composition ; indeed it is in the exact style of the one he puts into Cato's mouth, that is, in his own style.

—their perfect application to the subject-matter of debate—the appositeness of his invective to the individual assailed—the boldness of the feats which he ventured upon—the grandeur of the ideas which he unfolded—the heart-stirring nature of his appeals,—are all confessed by the united testimony of his contemporaries ; and the fragments which remain bear out to a considerable extent such representations ; nor are we likely to be misled by those fragments, for the more striking portions were certainly the ones least likely to be either forgotten or fabricated. To these mighty attractions was added the imposing, the animating, the commanding power of a countenance singularly expressive ; an eye so piercing that hardly any one could stand its glare ; and a manner altogether singularly striking, original, and characteristic, notwithstanding a peculiarly defective and even awkward action. Latterly, indeed, his infirmities precluded all action ; and he is described as standing in the House of Lords leaning upon his crutch, and speaking for ten minutes together in an under-tone of voice scarcely audible, but raising his notes to their full pitch when he broke out into one of his grand bursts of invective or exclamation. But, in his earlier time, his whole manner is represented as having been beyond conception animated and imposing. Indeed the things which he effected principally by means of it, or at least which

nothing but a most striking and commanding tone could have made it possible to attempt, almost exceed belief. Some of these sallies are indeed examples of that approach made to the ludicrous by the sublime, which has been charged upon him as a prevailing fault, and represented under the name of *Charlatanerie*,—a favourite phrase with his adversaries, as in later times it has been with the ignorant undervaluers of Lord Erskine. It is related that once in the House of Commons he began a speech with the words “Sugar, Mr. Speaker,”—and then, observing a smile to pervade the audience, he paused, looked fiercely around, and with a loud voice, rising in its notes and swelling into vehement anger, he is said to have pronounced again the word “Sugar!” three times, and having thus quelled the house, and extinguished every appearance of levity or laughter, turned round and disdainfully asked, “Who will laugh at sugar now?” We have the anecdote upon good traditional authority; that it was believed by those who had the best means of knowing Lord Chatham is certain; and this of itself shows their sense of the extraordinary powers of his manner, and the reach of his audacity in trusting to those powers.

There can be no doubt that of reasoning,—of sustained and close argument,—his speeches had but little. His statements were desultory, though striking, perhaps not very distinct, certainly not at



all detailed, and as certainly every way inferior to those of his celebrated son. If he did not reason cogently, he assuredly did not compress his matter vigorously. He was anything rather than a concise or a short speaker ; not that his great passages were at all diffuse, or in the least degree loaded with superfluous words ; but he was prolix in the whole texture of his discourse, and he was certainly the first who introduced into our senate the practice, adopted in the American war by Mr. Burke, and continued by others, of long speeches,—speeches of two and three hours, by which oratory has gained little, and business less. His discourse was, however, fully informed with matter ; his allusions to analogous subjects, and his references to the history of past events, were frequent ; his expression of his own opinions was copious and free, and stood very generally in the place of any elaborate reasoning in their support. A noble statement of enlarged views, a generous avowal of dignified sentiments, a manly and somewhat severe contempt for all petty or mean views—whether their baseness proceeded from narrow understanding or from corrupt bias—always pervaded his whole discourse ; and, more than any other orator since Demosthenes, he was distinguished by the grandeur of feeling with which he regarded, and the amplitude of survey which he cast upon the subject-matters of debate. His invective was unsparing and hard to be endured,

although he was a less eminent master of sarcasm than his son, and rather overwhelmed his antagonist with the burst of words and vehement indignation, than wounded him by the edge of ridicule, or tortured him with the gall of bitter scorn, or fixed his arrow in the wound by the barb of epigram. These things seemed, as it were, to betoken too much labour and too much art—more labour than was consistent with absolute scorn—more art than could stand with heart-felt rage, or entire contempt inspired by the occasion, at the moment, and on the spot. But his great passages, those by which he has come down to us, those which gave his eloquence its peculiar character, and to which its dazzling success was owing, were as sudden and unexpected as they were natural. Every one was taken by surprise when they rolled forth—every one felt them to be so natural, that he could hardly understand why he had not thought of them himself, although into no one's imagination had they ever entered. If the quality of being natural without being obvious is a pretty correct description of felicitous expression, or what is called fine writing, it is a yet more accurate representation of fine passages, or felicitous *hits* in speaking. In these all popular assemblies take boundless delight; by these above all others are the minds of an audience at pleasure moved or controlled. They form the grand charm of Lord Chatham's oratory;

they were the distinguishing excellence of his great predecessor, and gave him at will to wield the fierce democratie of Athens, and to fulmine over Greece.

It was the sagacious remark of one of the most acute of critics,\* as well as historical inquirers, that criticism never would be of any value until critics cited innumerable examples. In sketching the character of Lord Chatham's oratory this becomes the more necessary, that so few now living can have any recollection of it, and that all our knowledge of its peculiar nature rests upon a few scattered fragments. There is, however, some security for our deducing from these a correct notion of it, because they certainly, according to all accounts, were the portions of his discourse which produced the most extraordinary effect, on which its fame rests, and by which its quality is to be ascertained. A few of these may, therefore, be referred to in closing the present imperfect outline of this great man's eloquence.

His remark on confidence, when it was asked by the ministry of 1766, for whom he had some forbearance rather than any great respect, is well known. He said their characters were fair enough, and he was always glad to see such persons engaged in the public service; but, turning to them with a

\* Hume—Essays.

smile, very courteous, but not very respectful, he said—"Confide in you? Oh no—you must pardon me, gentlemen—*youth* is the season of credulity—confidence is a plant of slow growth in an aged bosom!"

Some one, having spoken of "the obstinacy of America," said "that she was almost in open rebellion." Mr. Pitt exclaimed, "I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to let themselves be made slaves, would have been fit instruments to make slaves of all the rest!"—Then speaking of the attempt to keep her down—"In a just cause of quarrel you may crush America to atoms; but in this crying injustice" (Stamp Act)—"I am one who will lift up my hands against it—In such a cause even your success would be hazardous. America, if she fell, would fall like the strong man; she would embrace the pillars of the state, and pull down the constitution along with her. Is this your boasted peace—to sheathe the sword, not in its scabbard, but in the bowels of your countrymen?"—It was in this debate that Mr. Burke first spoke, and Mr. Pitt praised his speech in very flattering terms.

"Those iron barons (for so I may call them when compared with the silken barons of modern days) were the guardians of the people; and three words of their barbarous Latin, *nullus liber homo*,

are worth all the classics. Yet their virtues were never tried in a question so important as this." (The Pretension of Privilege in the House of Commons)—"A breach is made in the Constitution—the battlements are dismantled—the citadel is open to the first invader—the walls totter—the place is no longer tenable—what then remains for us but to stand foremost in the breach, to repair it, or to perish in it?—Unlimited power corrupts the possessor; and this I know, that where law ends, there tyranny begins."

In reference to the same subject, the expulsion of Mr. Wilkes, he exclaimed in a subsequent debate—"The Constitution at this moment stands violated. If the breach be effectually repaired, the people will return to tranquillity of themselves. If not, let discord reign for ever!—I know to what point my language will appear directed. But I have the principles of an Englishman, and I utter them without fear or reserve. Rather than the Constitution should be tamely given up, and our birthright be surrendered to a despotic Minister, I hope, my Lords, old as I am, that I shall see the question brought to an issue, and fairly tried between the people and the Government."—Again he said—"Magna Charta—the Petition of Right—the Bill of Rights—form the Bible of the English Constitution. Had some of the King's unhappy predecessors trusted less to the Commentary

of their advisers, and been better read in the Text itself, the glorious Revolution might have remained only possible in theory, and their fate would not now have stood upon record, a formidable example to all their successors.”—“No man more than I respects the just authority of the House of Commons—no man would go farther to defend it. But beyond the line of the Constitution, like every exercise of arbitrary power, it becomes illegal, threatening tyranny to the people, destruction to the state. Power without right is the most detestable object that can be offered to the human imagination; it is not only pernicious to those whom it subjects, but works its own destruction. *Res detestabilis et caduca*. Under pretence of declaring law, the Commons have made a law, a law for their own case, and have united in the same persons the offices of legislator and party and judge.”

These fine passages, conveying sentiments so noble and so wise, may be read with advantage by the present House of Commons when it shall again be called on to resist the Judges of the land, and to break its laws, by opening a shop for the sale of libels.

His character—drawn, he says, from long experience—of the Spaniards, the high-minded chivalrous Castilians, we believe to be as just as it is severe. Speaking of the affair of Falkland’s Island, he said—“They are as mean and crafty as they are

insolent and proud. I never yet met with an instance of candour or dignity in their proceedings; nothing but low cunning, artifice, and trick. I was compelled to talk to them in a peremptory language. I submitted my advice for an immediate war to a trembling council. You all know the consequences of its being rejected.”—The speech from the throne had stated that the Spanish Government had disowned the act of its officer. Lord Chatham said—“There never was a more odious, a more infamous falsehood imposed on a great nation. It degrades the King, it insults the Parliament. His Majesty has been advised to affirm an absolute falsehood. My Lords, I beg your attention, and I hope I shall be understood when I repeat, that it is an absolute, a palpable falsehood. The King of Spain disowns the thief, while he leaves him unpunished, and profits by his theft. In vulgar English, he is the receiver of stolen goods, and should be treated accordingly.” How would all the country, at least all the canting portion of it, resound with the cry of “Coarse! vulgar! brutal!” if such epithets and such comparisons as these were used in any debate now-a-days, whether among the “silken barons,” or the “squeamish Commons” of our time!

In 1775 he made a most brilliant speech on the war. Speaking of General Gage’s inactivity, he said it could not be blamed; it was inevitable.

“But what a miserable condition,” he exclaimed, “is ours, where disgrace is prudence, and where it is necessary to be contemptible! You must repeal these acts,” (he said, alluding to the Boston Ports and Massachusetts Bay Bills,) “and you WILL repeal them. I pledge myself for it, that you will repeal them. I stake my reputation on it. I will consent to be taken for an idiot if they are not finally repealed.” Every one knows how true this prophecy proved. The concluding sentence of the speech has been often cited,—“If the ministers persevere in misleading the King, I will not say that they can alienate the affections of his subjects from his crown; but I will affirm that they will make the crown not worth his wearing. I will not say that the King is betrayed; but I will pronounce that the kingdom is undone.”

Again, in 1777, after describing the cause of the war and “the traffic and barter driven with every little pitiful German Prince that sells his subjects to the shambles of a foreign country,” he adds, “The mercenary aid on which you rely irritates to an incurable resentment the minds of your enemies, whom you overrun with the sordid sons of rapine and of plunder, devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms, never! never! never!” Such lan-



guage, used in the modern days of ultra loyalty and extreme decorum, would call down upon his head who employed it the charge of encouraging rebels, and partaking as an accomplice in their treasons.

It was upon this memorable occasion that he made the famous reply to Lord Suffolk, who had said, in reference to employing the Indians, that “we were justified in using all the means which God and nature had put into our hands.” The circumstance of Lord Chatham having himself revised this speech is an inducement to insert it here at length.

“I am astonished,” exclaimed Lord Chatham, as he rose, “shocked, to hear such principles confessed, to hear them avowed in this House or in this country; principles equally unconstitutional, inhuman, and unchristian.

“My Lords, I did not intend to have trespassed again on your attention, but I cannot repress my indignation. I feel myself impelled by every duty. My Lords, we are called upon, as members of this House, as men, as Christian men, to protest against such notions, standing near the throne, polluting the ear of majesty. *That God and nature put into our hands!*—I know not what idea that Lord may entertain of God and nature, but I know that such abominable principles are equally abhorrent to religion and humanity. What! attribute the sacred sanction of God and nature to the massacres of the Indian scalping-knife, to the cannibal savage, torturing, murdering, roasting, and eating; literally, my Lords, eating the mangled victims of his barbarous battles! Such horrible notions shock every precept of religion, divine and natural, and every generous feeling of humanity; and, my Lords, they shock every sentiment of

honour; they shock me as a lover of honourable war, and a detester of murderous barbarity.

“ These abominable principles, and this more abominable avowal of them, demand most decisive indignation. I call upon that Right Reverend Bench, those holy ministers of the Gospel, and pious pastors of the Church: I conjure them to join in the holy work, and to vindicate the religion of their God. I appeal to the wisdom and the law of this Learned Bench, to defend and support the justice of their country. I call upon the Bishops to interpose the unsullied sanctity of their lawn, upon the learned Judges to interpose the purity of their ermine, to save us from this pollution. I call upon the honour of your Lordships to reverence the dignity of your ancestors, and to maintain your own. I call upon the spirit and humanity of my country to vindicate the national character. I invoke the genius of the constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble Lord frowns with indignation at **THE DISGRACE OF HIS COUNTRY!** In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honour, the liberties, the religion, the Protestant religion of his country, against the arbitrary cruelties of Popery and the Inquisition, if these more than Popish cruelties and inquisitorial practices are let loose amongst us, to turn forth into our settlements, among our ancient connexions, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman, and child—to send forth the infidel savage—against whom? Against your Protestant brethren: to lay waste their country, to desolate their dwellings, and extirpate their race and name with these horrible hell-hounds of savage war—*hell-hounds, I say, of savage war.* Spain armed herself with blood-hounds to extirpate the wretched natives of America, and we improve on the inhuman example of even Spanish cruelty: we turn loose these savage hell-hounds against our brethren and countrymen in America, of the same language, laws, liberties, and religion, endeared to us by every tie

that should sanctify humanity. My Lords, this awful subject, so important to our honour, our constitution, and our religion, demands the most solemn and effectual inquiry; and I again call upon your Lordships, and the united powers of the state, to examine it thoroughly and decisively, and to stamp upon it an indelible stigma of the public abhorrence. And I again implore those holy Prelates of our religion to do away these iniquities from among us; let them perform a lustration—let them purify this House and this country from this sin.

“My Lords, I am old and weak, and at present unable to say more; but my feelings and my indignation were too strong to have said less. I could not have slept this night in my bed, or have reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous and enormous principles.”\*

There are other celebrated passages of his speeches in all men's mouths. His indignant and contemptuous answer to the minister's boast of driving the Americans before the army—“I might as well think of driving them before me with this crutch!”—is well known. Perhaps the finest of them all is his allusion to the maxim of English law, that every man's house is his castle. “The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail—its roof may shake—the wind may blow through it—the storm may enter—the rain may enter—but the King of England can-

\* There hangs so much doubt upon the charge brought against Lord Chatham, of having himself employed the Indians in the former war, that the subject is reserved for the Appendix.

not enter!—all his force dares not cross the threshold of the ruined tenement!”

These examples may serve to convey a pretty accurate idea of the peculiar vein of eloquence which distinguished this great man's speeches. It was of the very highest order; vehement, fiery, close to the subject, concise, sometimes eminently, even boldly figurative; it was original and surprising, yet quite natural. To call it argumentative would be an abuse of terms; but it had always a sufficient foundation of reason to avoid any appearance of inconsistency, or error, or wandering from the point. So the greatest passages in the Greek orations were very far from being such as could stand the test of close examination in regard to their argument. Yet would it be hypercritical indeed to object that Demosthenes, in the most celebrated burst of all ancient eloquence, argues for his policy being rewarded although it led to defeat, by citing the example of public honours having been bestowed upon those who fell in gaining five great victories.

Some have compared Mr. Fox's eloquence to that of Demosthenes; but it resembled Lord Chatham's just as much, if not more. It was incomparably more argumentative than either the Greek or the English orator's; neither of whom carried on chains of close reasoning as he did, though both kept close to their subject. It was, however, exceedingly the reverse of the Attic orator's in method, in diction,

in conciseness. It had nothing like arrangement of any kind. Except in the more vehement passages, its diction was perhaps as slovenly, certainly as careless as possible, betokening indeed a contempt of all accurate composition. It was diffuse in the highest degree, and abounded in repetitions. While the Greek was concise, almost to being jejune, the Englishman was diffuse, almost to being prolix. How the notion of comparing the two together ever could have prevailed seems unaccountable, unless it be that men have supposed them alike because they were both vehement, and both kept the subject in view rather than run after ornament. But that the most elaborate and artificial compositions in the world should have been likened to the most careless, and natural, and unprepared, that were ever delivered in public, would seem wholly incredible if it were not true. The bursts of Mr. Fox, however, though less tersely and concisely composed, certainly have some resemblance to Lord Chatham's, only that they betray far less fancy, and, however vehement and fiery, are incomparably less bold. Mr. Pitt's oratory, though admirably suited to its purpose, and as perfect a business kind of speaking as ever was heard, certainly resembled none of the three others who have been named. In point of genius, unless perhaps for sarcasm, he was greatly their inferior; although, from the unbroken fluency of his appropriate language, and the power

of an eminently sonorous voice, he produced the most prodigious effect.

It remains to speak of Lord Chatham as a private man, and he appears to have been in all respects exemplary and amiable. His disposition was exceedingly affectionate. The pride, bordering upon insolence, in which he showed himself encased to the world, fell naturally from him, and without any effort to put it off, as he crossed the threshold of his own door. To all his family he was simple, kindly, and gentle. His pursuits were of a nature that showed how much he loved to unbend himself. He delighted in poetry and other light reading; was fond of music; loved the country; took peculiar pleasure in gardening; and had even an extremely happy taste in laying out grounds. His early education appears to have been further prosecuted afterwards; and he was familiar with the Latin classics, although there is no reason to believe that he had much acquaintance with the Greek. In all our own classical writers he was well versed; and his time was much given to reading them. A correspondence with his nephew, which Lord Grenville published about forty years ago, showed how simple and classical his tastes were, how affectionate his feelings, and how strong his sense of both moral and religious duty. These letters are reprinted in a work which has been published since the first edition of this

book, because the answers have since been recovered; and it contains a great body of other letters both to and from him. Amongst the latter are to be found constant tokens of his amiable disposition.

The most severe judge of human actions, the critic whose searching eye looks for defects in every portrait, and regards it as fiction, not a likeness, when he fails to find any, will naturally ask if such a character as Lord Chatham's could be without reproach; if feelings so strong never boiled over in those passions which are dangerous to virtue; if fervour of soul such as his could be at all times kept within the bounds which separate the adjoining provinces of vehemence and intemperance? Nor will he find reason to doubt the reality of the picture which he is scrutinising when we have added the traits that undeniably disfigured it. Some we have already thrown in; but they rather are shades that give effect and relief to the rest, than deformities or defects. It must now be further recorded that not only was he impracticable, difficult beyond all men to act with, overbearing, impetuously insisting upon his own views being adopted by all as infallible, utterly regardless of other men's opinions when he had formed his own, as little disposed to profit by the lights of their wisdom as to avail himself of their co-operative efforts in action—all this is merely the excess of his great

qualities running loose uncontrolled—but he appears to have been very far from sustaining the exalted pitch of magnanimous independence and utter disregard of sublunary interests which we should expect him to have reached and kept as a matter of course, from a more cursory glance at the mould in which his lofty character was cast. Without allowing considerable admixture of the clay which forms earthly mortals to have entered into his composition, how can we account for the violence of his feelings, when George III. showed him some small signs of kindness in the closet, upon his giving up the seals of office? “I confess, Sir, I had but too much reason to expect your Majesty’s displeasure. I had not come prepared for this exceeding goodness. Pardon me, Sir,” he passionately exclaimed, “it overpowers—it oppresses me!” and he burst into tears in the presence of one who, as a moment’s reflection must have convinced him, was playing a part to undermine his character, destroy his influence, and counteract all his great designs for his country’s good. But some misplaced sentiments of loyalty may have produced this strange paroxysm of devotion. The colour assumed by his gratitude for favours conferred upon his family and himself was of a more vulgar hue, and still less harmonised with the Great Commoner’s exalted nature. On learning the King’s intention to grant him a pension (in order



effectually to undo him), he writes to Lord Bute a letter full of the most humiliating effusions of extravagant thankfulness — speaks of “being confounded with the King’s condescension in deigning to bestow one thought on the mode of extending to him his royal beneficence,” — considers “any mark of approbation flowing from such a spontaneous source of clemency as his comfort and his glory,” — and prostrates himself in the very dust for daring to refuse the kind of provision tendered “by the King in a manner so infinitely gracious,” — and proposing, instead of it, a pension for his family. When this prayer was granted, the effusions of gratitude “for these unbounded effects of beneficence and grace which the most benign of sovereigns has condescended to bestow,” are still more extravagant; and “he dares to hope that the same royal benevolence which showers on the unmeritorious such unlimited benefits may deign to accept the genuine tribute of the truly feeling heart with equal condescension and goodness.” It is painful to add what truth extorts, that this is really not the sentiment and the language with which a patriot leaves his sovereign’s councils upon a broad difference of honest opinion, and after being personally ill-used by that monarch’s favourites; but the tone of feeling, and even the style of diction, in which a condemned felon, having sued for mercy, returns thanks when his life has been spared. The pain of

defacing any portion of so noble a portrait as Lord Chatham's must not prevent us from marking the traits of a somewhat vulgar, if not a sordid, kind, which are to be found on a closer inspection of the original.

Such was the man whom George III. most feared, most hated, and most exerted his kingcraft to disarm ; and such, unhappily, was his momentary success in this long-headed enterprise against the liberties of his people and their champions ; for Lord Chatham's popularity, struck down by his pension, was afterwards annihilated by his peerage.

---

## LORD NORTH.

---

THE minister whom George III. most loved was, as has been already said, Lord North, and this extraordinary favour lasted until the period of the Coalition. It is no doubt a commonly-received notion, and was at one time an article of belief among the popular party, that Lord Bute continued his secret adviser after the termination of his short administration; but this is wholly without foundation. The King never had any kind of communication with him, directly or indirectly; nor did he ever see him but once, and the history of that occurrence suddenly puts the greater part of the stories to flight which are current upon this subject. His aunt, the Princess Amelia, had some plan of again bringing the two parties together, and on a day when George III. was to pay her a visit at her villa of Gunnersbury, near Brentford, she invited Lord Bute, whom she probably had never informed of her foolish intentions. He was walking in the garden when she took her nephew down stairs to view it, saying there was no one there but an old friend of his, whom he had

not seen for some years. He had not time to ask who it might be, when, on entering the garden, he saw his former minister walking up an alley. The King instantly turned back to avoid him, reproved the silly old woman sharply, and declared that, if ever she repeated such experiments, she had seen him for the last time in her house. The assertion that the common reports are utterly void of all foundation, and that no communication whatever of any kind or upon any matter, public or private, ever took place between the parties, we make upon the most positive information, proceeding directly both from George III. and from Lord Bute. But we go farther: the story is contrary to all probability; for that Prince, as well as others of his family, more than suspected the intimacy between his old governor and his royal mother, and, according to the nature of princes of either sex, he never forgave it. The likelihood is, that this came to his knowledge after the period of his first illness, and the Regency Bill which he, in consequence of that circumstance, proposed to parliament; for it is well known that he then had so much regard for the Dowager Princess as to turn out George Grenville because he passed her over as Regent. Consequently, the discovery which we are supposing him to have made must have been some time after Lord Bute's ministry closed. Certain it is that the feeling towards him had be-

come, for some reason or other, not neutral, negative, or passive; but such as rules men, and still more princes, when favour is succeeded by dislike; for we may then say what was so wittily observed respecting Louis XV. on a very different occasion —“*Il n’y a rien de petit chez les grands.*” His correspondence with his other ministers, to which we have had access, speaks the same language; a very marked prejudice is constantly betrayed against Scotchmen and Scotch politics.

The origin of Lord North’s extraordinary favour was his at once consenting to take the office of prime minister when the Duke of Grafton, in a moment of considerable public difficulty and embarrassment, of what, in those easy days of fair weather, was called danger, suddenly threw up the seals, and retired to his diversions and his mistress at Newmarket. Lord North was then Chancellor of the Exchequer, and leader of the House of Commons. He had thus already the most arduous by far of the government duties cast upon him; and his submitting to bear also the nominal functions and real patronage and power of the First Lord of the Treasury seemed but a slender effort of courage or self-devotion. As such, however, the King considered it; nor during the disastrous and really difficult times which his own obstinate bigotry and strong tyrannical propensities brought upon the country, did he ever cease to feel and to

testify the lively sense he always felt of the obligation under which Lord North had laid him personally, by coming to his assistance upon that emergency. In fact, responsibility, which, to almost all official personages, proves the greatest trial, is the most heavily felt, and the most willingly shunned, presses with peculiar weight upon the great public functionary who by law is wholly exempt from it, and in practice never can know it, unless during the interval between one ministry and another. The less he is in general accustomed to this burthen, the more hard does he find it to bear when he has no minister to cast it upon. Accordingly kings are peculiarly helpless, extremely anxious, and not a little alarmed, when any event has, as they term it, "left them without a government." The relief is proportionably great which they experience when any one, after such an interregnum in times of difficulty, "comes (as they also term it) to their assistance," and "consents to stand by them." This Lord North did for George III. in 1772; and his conduct never was forgotten by that Prince. Indeed, the gratitude and personal affection is very remarkable which he showed ever after; at least till the fatal Coalition on which so many political reputations were shipwrecked, and so total a loss was made of both court and popular favour; and it forms one of the not very numerous amiable traits in his cha-

racter. A striking instance has already been given in speaking of this monarch.

It must be acknowledged that he was singularly fortunate in the minister whom he thus obtained, and indeed in the change which he made. The Duke of Grafton, though a man endowed with many valuable qualities for his high station, remarkable for a liberality on ecclesiastical matters rare in any rank, and any one thing rather than the character painted by the persevering malice and audacious calumnies of Junius, who made him and the Duke of Bedford, together with Lord Mansfield, the choice objects of his unsparing and systematic abuse, was nevertheless of no great weight in debate, and of habits which the aristocratic life in those days had little fitted to meet the unceasing claims of official duty upon a statesman's time and attention. The industry of professional slanderers, too, being counteracted by no brilliant political achievements, had concurred with the discontents prevailing at home, and dissensions yet more formidably showing themselves in the colonies, to lower his reputation in the country, and to make the task of government such as he plainly shrank from.

The helm, thus abandoned, fell into the hands of Lord North, then in the vigour of his faculties, in no respect disadvantageously known to the country, and an undoubted favourite with the House, which

for some time he had led. His success there was very considerable. Few men in any station have, indeed, left behind them a higher reputation as a debater, and above all, as the representative of the government. We now speak of his fame after his accession to the chief command in the public councils, as well as the warfare of parliament, had consolidated his authority, exhibited his debating powers, and multiplied his victories. It was his lot to maintain the conflict in times of unprecedented difficulty, and against antagonists such as no minister ever had to meet, if we except Mr. Addington, who was speedily overthrown in the encounter. The resistance of our whole American empire had ended in a general rebellion, and all the military prowess failed to quell it, as all the political measures of the government had failed to prevent it, or rather had ripened discontent into revolt. A series of political disappointments first, and then of military disasters, had made our American affairs hopeless, when the war extended itself to Europe, and our hitherto invincible navy could not prevent the English coasts and even harbours from being insulted, while our West India islands were ravaged, and our trade in those seas was swept away by the enemy's marine. Nor had the nation the accustomed consolation, and government the usual topic of defence, that our disasters befel us through the proverbially fickle fortune of war



and the chances of the elements. Every one failure could be traced to the perverse course of impolicy and injustice combined, in which the colonial revolt took its rise. The Americans, unprepared for resistance, and unwilling to risk it, had been driven on by the tyrannical bigotry which presided over our councils, and for which the King was really answerable, although by the fictions of the constitution his servants only could be blamed. Add to this, that the opposition was led first by Mr. Burke, and afterwards by Mr. Fox, both in the prime of their extraordinary faculties, ranking among their zealous adherents such men as Barrè, Dunning, Lee, supported by the whole phalanx of the Whig aristocracy, and backed always by the prodigious weight of Lord Chatham's authority; occasionally by the exertions of his splendid eloquence, burning brighter than ever as it approached the hour of its extinction. The voice of the people, at first raised against the colonies, soon became loud against the government; and each blunder and each disaster made the storm of public indignation rage more and more violently. Even in point of numbers the parliamentary forces were not so unequally matched as we have seen them during subsequent seasons of warlike discomfiture; for while Mr. Pitt has had majorities of three or four to one in his support, under all the failures of his continental projects, Lord North was frequently

reduced to fight with majorities so scanty as rather resembled the more recent balance of parliamentary power, than the ordinary workings of our constitution.

Such was the strife, and in such untoward circumstances, which Lord North had to maintain, with the help only of his attorney and solicitor generals, Thurlow and Wedderburn, to whom was afterwards added Dundas. But a weight far more than sufficient to counterbalance this accession was about the same time flung into the opposite scale, and rendered its preponderance still more decided. Mr. Pitt signalized his entrance into Parliament by the most extraordinary eloquence, at once matured and nearly perfect in its kind, and by lending all its aid and all its ornament to the opposition. Nothing daunted, the veteran minister persevered in maintaining the conflict, and was only driven from the helm after he had fought triumphantly for six years against the greater part of the Whig chiefs, and desperately for two more against the whole of the body thus powerfully reinforced.

All contemporary reports agree in representing his talents as having shone with a great and a steady lustre during this singularly trying period. Without any pretensions to fill the higher ranks of eloquence, with no accomplishments of learning beyond the scholarship which a well-educated

Englishman gains at Oxford, with political information such as the historical reading of well-informed men could give, he displayed so thorough an acquaintance with official and Parliamentary business as easily supplied all defects in those days of scanty political acquirement, while his clear excellent sense, which never failed him and constantly gave him the victory over men of more brilliant genius ; his natural tact, still further improved by practice and deep knowledge of men ; his ready fluency ; his cool determined courage—would altogether have made him a most accomplished debater, even independent of those peculiar qualities in which he, and indeed all his family, excelled most other men—qualities of singular virtue in any station of either house of Parliament, but in him who holds the first place, of most sovereign efficacy in retaining and rallying his followers, and in conciliating the audience at large—a wit that never failed him, and a suavity of temper that could never be ruffled. Combating his powerful adversaries at such a disadvantage as he, for the most part, was compelled to work up against, from the almost unbroken series of failures which he was called to defend or extenuate, his tactics were greatly admired as well as his gallantry. Nothing perhaps in this way ever showed both skill and boldness more than his unexpectedly granting a motion for inquiring into the State of the Nation,

supposed in parliamentary procedure to be a vote of distrust in the Ministry ; for when, to a long and powerful speech introducing that proposition, he contented himself with making an able and complete reply, and then suddenly professed his full readiness to meet the question in detail, by going at once into the committee, the enemy were taken altogether unprepared, and the whole affair evaporated in smoke.

To give examples of his unbroken good-humour, as enviable as it was amiable, and perhaps still more useful than either, would be to relate the history of almost each night's debate during the American war. The rage of party never was carried to greater excess, nor ever more degenerated into mere personal violence. Constant threats of impeachment, fierce attacks upon himself and all his connexions, mingled execration of his measures and scorn of his capacity, bitter hatred of his person—the elaborate, and dazzling, and learned fancy of Burke, the unbridled licence of invective in which the young blood of Fox nightly boiled over, the epigrams of Barrè, the close reasoning and legal subtlety of Dunning, the broad humour and argumentative sarcasm of Lec—were, without intermission, exhausted upon the minister, and seemed to have no effect upon his habitually placid deportment, nor to consume his endless patience, while they wearied out his implacable antagonists.

By a plain homely answer he could blunt the edge of the fiercest declamation or most refined sarcasm ; with his pleasantry, never far-fetched, nor ever over-done, or misplaced, or forced, he could turn away wrath and refresh the jaded listeners, while, by his undisturbed temper, he made them believe he had the advantage, and could turn into a laugh, at the assailant's expense, the invective which had been destined to crush himself. On one or two occasions, not many, the correspondence of contemporary writers makes mention of his serenity having been ruffled, as a proof to what excesses of violence the opposition had been carried, but also as an occurrence almost out of the ordinary course of nature. And, truly, of those excesses there needs no other instance be cited than Mr. Fox declaring, with much emphasis, his opinion of the minister to be such that he should deem it unsafe to be alone with him in a room.

But if it would be endless to recount the triumphs of his temper, it would be equally so and far more difficult to record those of his wit. It appears to have been of a kind peculiarly characteristic and eminently natural ; playing easily and without the least effort ; perfectly suited to his placid nature, by being what Clarendon says of Charles II., "a pleasant, affable, recommending sort of wit ;" wholly unpretending ; so exquisitely suited to the occasion that it never failed of effect,

yet so readily produced and so entirely unambitious, that although it had occurred to nobody before, every one wondered it had not suggested itself to all. A few only of his sayings have reached us, and these, as might be expected, are rather things which he had chanced to coat over with some sarcasm or epigram that tended to preserve them; they consequently are far from giving an idea of his habitual pleasantry and the gaiety of thought which generally pervaded his speeches. Thus, when a vehement declaimer, calling aloud for his head, turned round and perceived his victim unconsciously indulging in a soft slumber, and, becoming still more exasperated, denounced the Minister as capable of sleeping while he ruined his country—the latter only complained how cruel it was to be denied a solace which other criminals so often enjoyed, that of having a night's rest before their fate. When surprised in a like indulgence during the performance of a very inferior artist, who, however, showed equal indignation at so ill-timed a recreation, he contented himself with observing how hard it was that he should be grudged so very natural a release from considerable suffering; but, as if recollecting himself, added, that it was somewhat unjust in the gentleman to complain of him for taking the remedy which he had himself been considerate enough to administer. The same good-humour and drollery quitted him

not when in opposition. Every one has heard of the speech which, if it had failed to injure the objects of its attack, was very effectual in affixing a name upon its honest and much respected author. On Mr. Martin's proposal to have a starling placed near the chair and taught to repeat the cry of "Infamous coalition!" Lord North coolly suggested that, as long as the worthy member was preserved to them, it would be a needless waste of the public money, since the starling might well perform his office by deputy. That in society such a man must have been the most delightful of companions may well be supposed. In his family, and in all his private intercourse as in his personal character, he was known to be in every respect amiable; of scrupulous integrity and unsullied honour.

As a statesman, his merits are confessedly far inferior to those which clothed him as a debater and as a man. The American war is the great blot upon his fame; for his share in the Coalition was only exceptionable on account of the bitterness with which his adversaries had so long pursued him; and if they could submit to the fellowship of one upon whom they had heaped such unmeasured abuse, they seemed to recant, or even to confess that the opinions which they had previously professed of him they had not really entertained. That ill-fated measure of the Whigs seemed to be rather a

tribute of tardy justice to their great adversary, and it was not for him either to reject it or to scrutinize the motives from which it was paid. But the policy towards our colonies, of which he had been the leading advocate in Parliament, and for which he was primarily responsible as minister, can admit of no defence; nor in his position, and upon so momentous a question, is it possible to urge, even in extenuation of his offending, that he was all along aware of the King's egregious folly, which obstinately persisted in a hopeless and ruinous struggle against the liberties of his people. That this, however, was the fact, there exists no kind of doubt; he was long resolved to quit the helm, because George III. insisted on a wrong course being steered—that helm which he ought to have quitted as soon as his mind was made up to differ with the owner of the vessel, unless he were permitted to follow his own course; and he was only kept at his post by constant entreaties, by monthly expostulations, by the most vehement protestations of the misguided Prince against a proceeding which must leave him helpless in the hands of his implacable enemies, and even by promises always renewed to let him go would he but remain for a few weeks, until some other arrangement could be made. It is fit that this certain and important fact should be stated; and we have before us the proofs of it under the hand of the Royal Suitor to his reluctant ser-



vant's grace and favour, whose apparently fixed purpose of retirement he uses all these expedients to defeat, or at least to obstruct and retard, if he cannot frustrate. This importunity working upon the feelings of a well-natured person like Lord North, might easily be expected to produce its intended effect; and the unavoidable difficulty of retreating from a post which, while he held it, had become one of peril as well as embarrassment, doubtless increased the difficulty of abandoning it while the danger lasted.

But although we may thus explain, we are not the better enabled to excuse the minister's conduct. When he found that he could no longer approve the policy which he was required to pursue, and of course to defend, he was bound to quit the councils of his obstinate and unreasonable Sovereign. Nor can there be a worse service, either to the Prince or his people, than enabling a Monarch to rule in his own person, dictating the commands of his own violence or caprice, through servants who disapprove of his measures, and yet suffer themselves to be made instruments for carrying them into execution. A bad King can desire nothing more than to be served by such persons, whose opinions he will as much disregard as their inclinations, but whom he will always find his tools in doing the work of mischief, because they become the more at the Monarch's mercy in proportion as they have

surrendered their principles and their will to his. Far, then, very far from vindicating the conduct of Lord North in this essential point, we hesitate not to affirm that the discrepancy between his sentiments and his measures is not even any extenuation of the disastrous policy which gave us, for the fruits of a long and disastrous war, the dismemberment of the empire. In truth, what otherwise might have been regarded as an error of judgment, became an offence, only palliated by considering those kindly feelings of a personal kind which governed him, but which every statesman, indeed every one who acts in any capacity as trustee for others, is imperatively called upon to disregard.

While, however, truth requires this statement, justice equally demands that, in thus denouncing his offence, we should mark how very far it is from being a solitary case of political misconduct. Upon how many other great occasions have other ministers sacrificed their principles, not to the good-natured wish that the King might not be disturbed, but to the more sordid apprehension that their own government might be broken up, and their adversaries displace them, if they manfully acted up to their well known and oftentimes recorded opinions? How many of those who, but for this unwelcome retrospect into their own lives, which are thus forcing upon them, would be the very first to pronounce a pharisaical condemnation on Lord North,

have adopted the views of their opponents, rather than yield them up their places by courageously and honestly pursuing the course prescribed by their own? Let us be just to both parties: but first to the conductor of the American war, by calling to mind the similar delinquency of some who have succeeded to his power, with capacity of a higher order than his, and of some who resembled him only in their elevation to high office, without his talents to sustain it or to adorn. The subject, too, has a deeper and more general interest than merely that of dispensing justice among individuals; it concerns the very worst offence of which a minister can be guilty—the abandonment of his own principles for place, and counselling his Sovereign and his country, not according to his conscience, but according to what, being most palatable to them, is most beneficial to the man himself.

Mr. Pitt joining the war party in 1793, the most striking and the most fatal instance of this offence, is the one which at once presents itself; because of all Lord North's adversaries there was none who pursued him with such unrelenting rancour, to the pitch of peremptorily refusing all negociations with the Fox party, unless their new ally should be expelled, when he, with a magnanimity rare indeed among statesmen, instantly removed the obstacle to his bitter adversary's elevation, by withdrawing all claims to a share of power. No one more clearly

than Mr. Pitt saw the ruinous consequences of the contest into which his new associates, the deserters from the Whig standard, were drawing or were driving him, none so clearly perceived or so highly valued the blessings of peace, as the finance minister, who had but the year before accompanied his reduction of the whole national establishment with a picture of our future prosperity almost too glowing even for his great eloquence to attempt. Accordingly it is well known, nor is it ever contradicted by his few surviving friends, that his thoughts were all turned to peace. But the voice of the court was for war; the aristocracy was for war; the country was not disinclined towards war, being just in that state of excitable (though as yet not excited) feeling which it depended upon the government, that is, upon Mr. Pitt, either to calm down into a sufferance of peace, or rouse into a vehement desire of hostilities. In these circumstances, the able tactician, whose genius was confined to parliamentary operations, at once perceived that a war must place him at the head of all the power in the state, and, by uniting with him the more aristocratic portion of the Whigs, cripple his adversaries irreparably; and he preferred flinging his country into a contest which he and his great antagonist by uniting their forces must have prevented; but then he must also have shared with Mr. Fox the power which he was determined to

enjoy alone and supreme. This was a far worse offence than Lord North's; although the country, or at least the patrician party, shared with the crown the prejudices to which Mr. Pitt surrendered his own judgment, and the power to reward his welcome conversion. The youngest man living will not survive the fatal effects of this flagrant political crime.

The abandonment of the Catholic question by the same minister when he returned to power in 1804, and the similar sacrifice which the Whigs made at his death to the bigotry of George III., are often cited as examples of the same delinquency. But neither the one nor the other of these passages presents anything like the same aspect with the darker scene of place-loving propensities which we have just been surveying. The marked difference is the state of the war; the great desire which the Pitt party had of conducting hostilities with vigour, and which the Fox party had of bringing them to a close. The more recent history, however, of the same question affords instances more parallel to those of the American and the French wars. When peace was restored, and when even the obstacle to the emancipation presented by George III.'s obstinate bigotry was removed, they who had so long talked the uncouth language, so strange to the constitution of a free country, of yielding to "unhappy prejudices in a high quarter, impossible to

be removed," had now no longer any pretext for uttering such sounds as those. The Regent, afterwards the King, had no prejudices which any man, be his nature ever so sensitive, was called on to respect ; for he had, up to the illness of his father, been a warm friend of the Catholics. Yet, no sooner did he declare against his former principles, than Lord Castlereagh and Mr. Canning also declared that his conscience (the scrupulous conscience of George IV. !) must not be forced, and one administration was formed after another upon the principle of abandoning all principle in order to follow the interests of the parties, and of leaving the domestic peace of the country by common consent out of view. The present state of Ireland, and indeed to a certain degree the unworthy course pursued by their successors on Irish affairs, is the fruit, and the natural fruit, of this wholly unprincipled system.

The subject of Parliamentary Reform affords other illustrations of a like kind. To alter the constitution of parliament as one party termed it, to restore it as another said, but to change its actual structure as all admitted, might be right or it might be wrong ; might be necessary for the peace of the country, or might be the beginning of inextricable confusion ; but at any rate statesmen were called upon to decide so grave a question upon its own merits—a question by far the most mo-

mentous of any that statesmen were in this world ever summoned to discuss in the peaceful deliberations of council, or senators to decide by the weapons of argument alone—a question which, in any other age, perhaps in any other country, must have been determined, not by deliberations of politicians or arguments of orators, but by the swords and the spears of armed combatants. Yet this question has more than once, and by more than one party, been made the subject of compromise, at one time taken up, at another laid down, as suited the convenience rather than the duty of statesmen. Of a certainty, those men have no right to blame Lord North for remaining in office, though disapproving the American war, rather than break up the government and open the doors of Downing-street to the Opposition. In one respect, indeed, Lord North has been by far outdone by them. No exigency of party affairs ever drove him back to the side of the American controversy which he had escaped. But the “Reformers of the Eleventh Hour,” having made all the use of their new creed which they well could, took the opportunity of the new reign to cast it off, and, fancying they could now do without it, returned into the bosom of their own church, becoming once more faithful supporters of things as they are, and sworn enemies of reform.

A new and perhaps unexpected vindication of

Lord North has been recently presented by the Canadian policy of liberal governments, as far as mistakes by inferior artists can extenuate the failings of their more eminent predecessors. When the senseless folly was stated of clinging by colonies wholly useless and merely expensive, which all admit must sooner or later assert their independence and be severed from the mother-country, none of all this was denied, nor indeed could it; but the answer was, that no government whatever could give up any part of its dominions without being compelled by force, and that history afforded no example of such a surrender without an obstinate struggle. What more did Lord North, and the other authors of the disgraceful contest with America, than act upon this bad principle?

But a general disposition exists in the present day to adopt a similar course to the one which we have been reprobating in him, and that upon questions of the highest importance. It seems to be demanded by one part of the community, and almost conceded by some portion of our rulers in our days, that it is the duty of statesmen when in office to abdicate the functions of Government. We allude to the unworthy, the preposterous, the shameful, the utterly disgraceful doctrine of what are called "*open questions*." Its infamy and its audacity has surely no parallel. Enough was it that the Catholic Emancipation should have been



taken up in this fashion, from a supposed necessity and under the pressure of fancied, nay fictitious difficulties. No one till now ever had the assurance to put forward, as a general principle, so profligate a rule of conduct; amounting indeed to this, that, when any set of politicians find their avowed and recorded opinions inconsistent with the holding by office, they may lay them aside, and abdicate the duty of Government while they retain its emoluments and its powers. Mark well, too, that this is not done upon some trivial question, which all men who would act together in one body for the attainment of great and useful objects may and oftentimes must waive, or settle by mutual concessions—nothing of the kind; it is upon the greatest and most useful of all objects that the abdication is demanded, and is supposed to be made. Whether Reform shall be final or progressive—whether the Elective Franchise shall be extended or not—whether voting shall be by Ballot or open—whether the Corn Laws shall be repealed or not—such are the points upon which the ministers of the Crown are expected to have exactly no opinion; alone of the whole community to stand mute and inactive, neither thinking, neither stirring—and to do just precisely neither more nor less than—nothing. It is surely unnecessary to say more. “*The word abdicate*,” on which men debated so long one hundred and fifty years ago, is the only word in the

dictionary which can suit the case. Can any one thing be more clear than this, that there are questions upon which it is wholly impossible that a Government should not have some opinion, and equally necessary that, in order to deserve the name of a Government, its members should agree? Why are one set of men in office rather than another, but because they agree among themselves, and differ with their adversaries upon such great questions as these? The code of political morality recognises the *idem sentire de republica* as a legitimate bond of virtuous union among honest men; the *idem velle atque idem nolle* is also a well-known principle of action; but among the associates of Catiline, and by the confession of their profligate leader. Can it be doubted for a moment of time, that when a government has said "We cannot agree on these the only important points of practical policy," the time is come for so reconstructing and changing it, as that an agreement imperiously demanded by the best interests of the state may be secured? They are questions upon which an opinion must be formed by every man, be he statesman or individual, ruler or subject. Each of the great measures in question is either expedient or it is hurtful. The people have an indisputable right to the help of the Government in furthering it if beneficial, in resisting it if pernicious; and to proclaim that, on these subjects, the governors of

the country alone must stand neuter, and leave the questions to their fate, is merely to say that, whenever it is most necessary to have a Government, we have no Government at all: and why? Because they in whose hands the administration of affairs is vested are resolved rather to keep their places than to do their duty.

A similar view is sometimes put forward and even acted upon, but of so vulgar, so incomparably base a kind, that we hardly know if we should deign to mention it. The partisans of a ministry are wont to say for their patrons, that, unless the country call for certain measures, it shall not have them. What! Is this the duty of rulers? Are men in such stations to give all that may be asked, and only to give because of the asking, without regarding whether it be a boon or a bane? Is the motto of them that hold the citadel to be “Knock, and it shall be opened unto you?”—Assuredly such men as these do not rise even to the mean rank of those disgraced spirits elsewhere, who while in life

— visser senza infamia e senza lodo;

but of them we may at least say as of these,

Non ragionam di lor ma guarda e passa.\*

---

While Lord North led the House of Commons, he had extremely little help from any merely political men of his party. No ministers joined him in

\* DANTE, Inf.

defending the measures of his Government. His reliance was upon professional supporters; and Gibbon has described him as slumbering between the great legal Pillars of his administration, his Attorney and Solicitor General, who indeed composed his whole strength, until Mr. Dundas, also a professional supporter, being Lord Advocate of Scotland, became a new and very valuable accession to his forces.

---

## LORD LOUGHBOROUGH.

---

MR. WEDDERBURN, afterwards Lord Loughborough and Earl of Rosslyn, was one of the few eminent lawyers who have shone at the least as much in political affairs as in Westminster Hall. Of those English barristers to whom this remark is applicable Mr. Perceval was perhaps the most considerable; of men bred at the Scotch bar, and who were promoted in England, Lord Melville: Mr. Wedderburn, in some sort, partook of both kinds, having been originally an advocate in Edinburgh, where he distinguished himself by his eloquence and by the fierceness of his invective, which, being directed against a leading member of the bar, ended in a quarrel with the court, led to his removing from the provincial theatre, and ultimately raised him to the English bench. He was a person of great powers, cultivated with much care, and chiefly directed towards public speaking. Far from being a profound lawyer, he was versed in as much professional learning on ordinary subjects as sufficed for the common occasions of *Nisi Prius*. On peerage law, he is believed to have had more know-

ledge, and the whole subject lies within a very narrow compass. He affected great acquaintance with constitutional learning; but on this doubts were entertained, augmented, certainly, by the unscrupulous manner in which his opinions were at the service of the political parties he successively belonged to. But his strength lay in dealing with facts; and here all his contemporaries represent his powers to have been unrivalled. It was probably this genius for narrative, for arguing upon probabilities, for marshalling and for sifting evidence, that shone so brilliantly in his great speech at the bar of the House of Lords upon the celebrated Douglas cause, and which no less a judge than Mr. Fox pronounced to be the very finest he ever heard on any subject. It must, however, be remarked, in abatement of this high panegyric, that the faculty of statement and of reasoning without the excitement of a contentious debate, being very little possessed by that great man himself, a happy display of it, not so unusual in professional men, might produce a greater impression upon him than was proportioned to its true value and real weight. That it was a prodigious exhibition may nevertheless be admitted to the united testimony of all who recollect it, and who have lived in our own times. That Lord Loughborough never forgot the Douglas cause itself, as he was said to have forgotten so many merely legal arguments in which he, from

time to time, had been engaged, appears from one of his judgments in Chancery, where he imported into a case before him facts not belonging to it, but recollected by him as having been proved in the case of Douglas.

His manner in earlier life was remarked as excellent ; and though it probably partook even then of that over-precision which, in his later years, sometimes bordered upon the ridiculous, it must certainly have been above the common order of forensic delivery to earn the reputation which has remained of it. That he made it an object of his especial care is certain. He is supposed to have studied under a player ; and he certainly spared no pains to eradicate his northern accent, beside being exceedingly careful to avoid provincial solecisms. His efforts were eminently successful in both these particulars ; but the force of second nature, habit, will yield to that of Nature herself, who is apt to overcome in the end all violence that cultivation may do her. His Scotticisms and his vernacular tones returned as his vigour was impaired in the decline of life ; showing that it was all the while an effort which could not continue when the attention was relaxed and its powers enfeebled.

Upon the removal of Sir Fletcher Norton he joined the Northern Circuit, having then the rank of King's Counsel. As this was contrary to all the rules of the profession, and was, indeed, deemed

to be a discreditable proceeding as well as a breach of discipline, even independent of other peculiarities attending the operation,\* an immediate resolution was adopted by the Bar to refuse holding briefs with the new-comer; a resolution quite fatal to him, had not Mr. Wallace, a man of undoubted learning and ability, been tempted to break it, and thereby at once to benefit himself and nearly destroy the combination. He thus secured, beside the immediate advantage of professional advancement, the patronage of his leader, who in a few years became Solicitor-General, and afterwards Attorney, under Lord North's administration, drawing Mr. Wallace upwards in his train. He practised in the Court of Chancery; but in those days the line had not been drawn which now, so hurtfully for the Equity practitioner, separates the two sides of Westminster Hall; and Chancery leaders frequented the different circuits almost equally with practitioners in the courts of Common Law.

When he entered the House of Commons he became, in a very short time, one of the two main supports of its ministerial leader; the other was Lord Thurlow: and while they remained there to defend him Lord North might well, as Gibbon has described the "Palinurus of the state," indulge in slumbers, with his Attorney and Solicitor General

\* He came there with the same clerk whom Sir F. Norton had before in his service.



on either hand remaining at their posts to watch out the long debate. No minister before or since the time of Mr. Addington ever depended so much upon the services of his professional supporters. Indeed, they and Mr. Dundas, alone, appear to have shared with him the whole weight of an attack conducted by the powers of an opposition which Burke and Fox led, and aggravated by the uninterrupted series of disasters which, during the whole American contest, attended the councils of the King and his servants.

Of the debates in those days such scanty remains are preserved, that no one could discover from them the qualities, or even the classes, of the orators who bore a part in them. The critic cannot from such fragments divine the species and supply the lost parts, as the comparative anatomist can by the inspection of a few bones in the fossil strata of the globe. Until, therefore, Lord Loughborough came to the House of Lords, indeed until the Regency question occupied that assembly in 1788 and 1789, we were left without the means of assigning his place as a debater. Of his forensic powers we have better opportunities to judge. Several of his arguments are preserved, particularly in the Duchess of Kingston's case and in one or two causes of celebrity heard before him in the Common Pleas, from which we can form an idea, and it is a very exalted one, of his clearness and neat-

ness of statement, the point and precision of his language, and the force and even fire with which he pressed his argument, or bore down upon an adverse combatant. The effect of his eloquence, upon a very favourable audience certainly, and in a season of great public violence and delusion, for it was against the Americans, and before the Privy Council at the commencement of the revolt, is well known. Mr. Fox alluded to it in warning the Commons against being led away by such eloquence as Mr. Pitt had just astonished them with, at the renewal of the war in 1803; reminding them how all men “tossed up their hats and clapped their hands in boundless delight” at Mr. Wedderburn’s Privy-Council speech, without reckoning the cost it was to entail upon them. Of this famous display nothing remains but a small portion of his invective against Franklin, which, being couched in epigram, and conveyed by classical allusion, has been preserved, as almost always happens to whatever is thus sheathed. It refers to some letters of a colonial governor, which, it was alleged, had come unfairly into Franklin’s hands, and been improperly used by him; and the Solicitor-General’s classical wit was displayed in jesting upon that illustrious person’s literary character, and calling him a man of three letters, the old Roman joke for a thief! Pity that so sorry a sample of so celebrated an orator should be all that has reached the

present time to justify the account given by Mr. Fox of the effects which its delivery produced ! We are thus reminded of Swift's allusion to some statue of Cato, of which nothing remained save the middle region.

That the speech and the whole scene was not without its effect upon him who was the principal object of attack, appears sufficiently certain ; for though, at the moment, a magnanimous, and, indeed, somewhat overdone, expression of contempt for the speaker is reported to have escaped him in answer to one who hoped, rather clumsily, that he did not feel hurt, " I should think myself meaner than I have been described, if anything coming from such a quarter could vex me ;" yet it is well known that, when the ambassadors were met to sign the peace of Versailles, by which the independence of America was acknowledged, Franklin retired, in order to change his dress and affix his name to the treaty in those very garments which he wore when attending the Privy Council, and which he had kept by him for the purpose during many years, a little inconsistently, it must be confessed, with the language of contemptuous indifference used by him at the moment.

When he was raised to the bench in 1780, and the Special Commission was issued for trying the rioters, he presided, and delivered a charge to the Grand Jury, the subject at the time of much ani-

madversion for its matter, and of boundless panegyric for its execution. It was published and widely circulated under the authority of the learned Judge himself; and we have thus in the first place the means of determining how far the contemporary opinions upon that production itself were well founded, and next how far the admiration excited by the other efforts of the same artist was justly bestowed. Whoever now reads this celebrated charge will confess that the blame and the praise allotted to it were alike exaggerated. Far from laying down bad law and propagating from the Bench dangerous doctrines respecting treason, the whole legal portion of it consists in a quotation from Judge Foster's book, and a statement in which every lawyer must concur, that the Riot Act was never intended to prevent the magistrate from quelling a riot during the hour after proclamation. Then the whole merit of the address in point of execution consists in the luminous, concise, and occasionally impressive sketch of the late riotous proceedings which had given rise to the trials. That this narrative, delivered in a clear and melodious voice, loud without being harsh, recently after the event, and while men's minds were filled with the alarm of their late escape, and with indignation at the cause of their fears, should make a deep impression, and pass current as a standard of eloquence far above the true one, may well be

imagined. But so much the more reprehensible (and here lies the true ground of blame) was the conduct of the Judge who could at such a moment take the pains manifested throughout this charge to excite, or rather to keep alive and glowing, those feelings which the due administration of justice required him rather sedulously to allay. Within a short month after the riots themselves six-and-forty persons were put upon their trial for that offence; and nearly the whole of the Chief Justice's address consisted of a solemn and stately lecture upon the enormity of the offence, and a denial of whatever could be alleged in extenuation of the offenders' conduct. It resembled far more the speech of an advocate for the prosecution than the charge of a Judge to the Grand Jury. Again, when we find a composition which all men had united to praise as a finished specimen of oratory, falling to a rather ordinary level, there is some difficulty in avoiding the inference that an abatement should also be made from the great eulogies bestowed upon its author's other speeches, which have not reached us; and we can hardly be without suspicion that much of their success may have been owing to the power of a fine delivery, and a clear voice in setting off inferior matter; to which may be added the never-failing effect of correct composition, if employed either at the Bar or in Parliament, where a more slovenly diction is so much more frequent even with the best speakers.

That he was a thoroughly-devoted party-man all his life, can indeed no more be questioned than that he owed to the manœuvres of faction much of his success. He did not cease to feel the force of party attachment when he ascended the Bench ; and there can be no doubt that his object at all times, even while he sat in the Common Pleas, was to gain that great prize of the profession which he at length reduced into possession. We shall in vain look for any steady adherence to one code of political principles, any consistent pursuit of one undeviating line of conduct, in his brilliant and uniformly successful career. He entered parliament in uncompromising opposition to Lord North's cabinet, and for some years distinguished himself among their most fierce assailants, at a time when no great errors had been committed, or any crimes against public liberty or the peace of the world could be laid to their charge. On the eve of the American war he joined them when their measures were becoming daily more indefensible ; and it is known that, like many others in similar circumstances, he appeared at first to have lost the power of utterance, so astonished and overcome was he with the plunge which he had made after preferment.\* But he soon recovered his faculties, and continued in office the

\* Alluding to this passage of his life, Junius, in his XLIVth Letter, says, " We have seen him in the House of Commons overwhelmed with confusion, and almost bereft of his faculties."

constant and unflinching supporter of all the measures by which his former adversaries converted discontent into disaffection, and out of disaffection raised up revolt; nor did he quit them when they had severed the empire in twain. Removed from the strife of the senate and the forum, on the bench he continued their partisan, when they joined in a coalition with their ambitious and unscrupulous enemies. For many years of Mr. Pitt's administration he was the real if not the avowed leader of the Foxite opposition in the House of Lords, as well as Chief Justice of the Common Pleas in Westminster Hall. He had under the Coalition enjoyed a foretaste of that great banquet of dignity and patronage, emolument and power, on which he had so immoveably fixed his long-sighted and penetrating eye; having been Chief Commissioner of the Great Seal during the short life of that justly unpopular administration. This scanty repast but whetted his appetite the more; and among the more bold and unhesitating of the Prince's advisers upon the question of the Regency, the Chief Justice was to be found the boldest and most unflinching.

No one can, upon a calm review of that famous controversy, entertain any doubt that the strict letter of the constitution prescribed one course, while the manifest considerations of expediency prescribed another. Nothing can be more contrary

to the whole frame of a monarchy than allowing the very fundamental principle, that of hereditary descent, for which and its benefits so many strange and even pernicious anomalies are overlooked, such constant risks encountered, and such serious practical inconveniences borne with, to be broken in upon when the sovereign is disabled, whether by infancy, or by old age, or by disease, and, instead of following the plain course of the succession, to call in the elective voice of the country by an act that resolves the government into its first principles. To make this appeal, and not merely to elect a regent, but to limit his powers, is in other words to frame a new constitution for the state which shall last during the monarch's incapacity, and which, if it be fit for the purposes of government, ought assuredly not to be replaced by the old one, when he recovers or attains his perfect powers of action. The phantom of a commission issued by an incapable king to confer upon what the two other branches of the legislature had proposed, the outward semblance of a statute passed by all the three, was an outrage upon all constitutional principle, and, indeed, upon the common sense of mankind, yet more extravagant than the elective nature of the whole process. Nevertheless, there were reasons of a practical description which overbore these obvious considerations, and reconciled men's minds to such an anomalous proceeding. It seemed



necessary to provide for the safe custody of the king's person ; and for such a sure restoration of his powers as should instantly replace the sceptre in his hand the very moment that his capacity to hold it should return. His Vicegerent must plainly have no control over this operation, neither over the Royal patient's custody, nor over the resumption of his office, and the termination of his own. But it would not have been very easy to cut off all interference on the Regent's part in this most delicate matter, had he been invested with the full powers of the Crown. So, in like manner, the object being to preserve things as nearly as possible in their present state, if those full powers had been exercised uncontrolled, changes of a nature quite irreversible might have been effected while the Monarch's faculties were asleep ; and not only he would have awakened to a new order of things, but the affairs of the country would have been administered under that novel dispensation by one irreconcilably hostile to it, while its author, appointed in the course of nature once more to rule as his successor, would have been living and enjoying all the influence acquired by his accidental, anticipated, and temporary reign. These considerations, and the great unpopularity of the Heir-apparent, and his political associates, the coalition party, enabled Mr. Pitt to carry his proposition of a regency with restricted powers established by a

bill to which the two remaining branches alone of the crippled Parliament had assented, instead of their addressing the Heir-apparent, declaring the temporary vacancy of the throne, and desiring him temporarily to fill it. The sudden recovery of the King prevented the experiment from being then fully tried ; but it was repeated after great opposition and much discussion in 1810. The two precedents thus made have now settled the constitutional law and practice in this important particular.

The Parliament of Ireland, it is to be remarked, did not, in the earlier case, pursue the same course with that of Great Britain. Our fellow-citizens, although dwelling farther from the rising sun, are more devotedly given to its worship than ourselves. They could see nothing of expediency or discretion sufficient to restrain their zeal ; and they at once addressed the Prince of Wales to take upon him the government without any restriction whatever, leaving it to His Royal Highness to make what provision he might deem most convenient for his own dethronement and his father's restoration, should he recover. It is the same country which, having some thirty years later been ill-used by the same individual, testified their sense of this treatment by overt acts of idolatry, when he went among them at the most justly unpopular period of his life, and even began a subscription for build-

ing him a palace, of which, however, not a farthing was ever paid.\*

In the consultations, and in the intrigues, to which this crisis gave rise, Lord Loughborough bore a forward part. That he should have agreed with the rest of the party in the constitutional view which they took of the question, could excite no surprise, nor give rise to any comment. But it is well known that his views were of a more practical nature than any which appeared in the debate. Bold, determined, unscrupulous, he recommended in council a course which nothing but the courage derived from desperation could have made any English Statesmen in the eighteenth century take into their serious consideration, and which, if it had been pursued, would have left the odium attached

\* General censures of a whole nation are generally foolish, and really of no avail. But, if the Irish people would avoid the ill opinion under which they labour among all men of reflection, and raise themselves to the rank of a nation fit for self-government, they must begin to show that they can think for themselves, and not follow blindfolded every delusion, or suffer to be practised upon them every gross and shameless fraud, and give the countenance of their acquiescence to every avowal of profligate principles which can be made before them. At present, they are only known to the rest of their fellow-citizens for a mass of people never consulted, though absolutely ruled, by the priests and the patriots, who use them as blind, unreflecting tools. Yet the genius and the worth of the nation are denied by none. May they soon be really emancipated, and learn to think and act for themselves!

to the Coalition in the shade, and made the people of this country repent them of not having detested the parties to it yet more bitterly and more universally. It was the opinion of the Lord Chief Justice, that the Prince of Wales should not have waited for even an address of the two houses ; but, considering them as nonentities while the throne was empty, should at once have proceeded to restore, as it was delicately and daintily termed, the executive branch of the constitution ; in other words, proclaim himself regent, and issue his orders to the troops and the magistrates, as if his father were naturally dead, and he had succeeded, in the course of nature, to the vacant crown. There is no reason to believe that this scheme of Lord Loughborough was adopted by the chiefs of the party, nor, indeed, is there any evidence that it was communicated to them. That it was an advice hinted to the Heir-apparent, or at least a subject discussed with him, and of which memoranda remain in the Chief Justice's hand-writing, is very confidently affirmed from ocular inspection. Whether or not a very popular prince might with safety have ventured upon such an experiment, is a question so wide of the actual case, that no time needs be wasted upon its solution. That the individual to whom this perilous advice was tendered could not have done so without a civil war, appears sufficiently evident. Indeed, the marriage *de facto*, legal or illegal,

which he had contracted with a Catholic lady, and of which the circumstances were generally known, would alone have furnished Mr. Pitt with a sufficient objection to his title ; and the country would have owed to one of her reverend judges the blessings of a disputed succession and intestine tumults, such as she had not experienced since the days of the Two Roses. There can be little doubt, whether we consider the character of the man, or his subsequent conduct towards George III. on the Catholic question, and his advice respecting the Coronation oath, that part of Lord Loughborough's design was to obtain an undivided control over the Prince, who should then have flung himself into his hands by adopting his extreme opinions, and acting upon such hazardous counsels.

The discomfiture of the opposition party by the King's recovery, and by the great accession to his personal popularity which his illness had occasioned, left Lord Loughborough no prospect of power for some years. The French Revolution was then approaching, and the Whigs suffered the almost irreparable blow of the Portland party separating themselves upon the great questions connected with that event. He was one of the seceders ; nor in taking this step did he quit his allies of the North school. The Great Seal, now within his reach by Lord Thurlow's quarrel with Mr. Pitt, may have operated as an additional temptation to close his

ears against the evils of the war into which this junction plunged the country ; but one, who had defended the government steadily through all the calamities of the American contest, had not much to learn of fortitude in seasons of difficulty, or of patience under public misfortune. He held the Great Seal for seven or eight years, and was at the head of the law during the period of attempted proscription and actual persecution of the Reformers, the professors of those opinions carried to the extreme, which the Whigs, his late allies, professed in more moderation and with a larger admixture of aristocratic prejudices. But of him it cannot be said, as of Mr. Pitt, that he had ever professed reform principles. On the contrary, the North party at all times differed upon that question with their Foxite coadjutors, who, indeed, differed sufficiently upon it among themselves.

The character of Lord Loughborough stood far less high as a judge than as either a debater in parliament or an advocate at the bar. His decisions evince little of the learning of his profession, and do not even show a very legal structure of the understanding. They are frequently remarkable enough for clear and even felicitous statement ; but in close argument, as in profound knowledge, they are evidently deficient. Some of his judgments in the Common Pleas were more distinguished by ability, and more admired at the time, than any

which he pronounced in the court where the greater part of his life had been passed. But he was not unpopular at the head of the profession. His manners were courteous and even noble ; his liberality was great. Wholly above any sordid feelings of avarice or parsimony, and only valuing his high station for the powers which it conferred, and the dignity with which it was compassed round about, he maintained its state with a munificent expenditure, and amassed no money for his heirs. He was moreover endued with personal qualities which a generous profession is apt to esteem highly. Reasonably accomplished as a scholar, cultivating all his life the society of literary men, determined and unhesitating in his conduct, polite in his demeanour, elegant, dignified in his habits, equal in his favour to all practitioners, unawed by their talents as uninfluenced by any partialities, and resolute in maintaining his own and his profession's independence of any ministerial authority—those who have succeeded him never advanced greater claims to the personal confidence or respect of the Bar ; and his known deficiencies in much higher qualifications were overlooked by men who felt somewhat vain of being ruled or being represented by such a chief. In this exalted station he remained during the whole eventful years that followed the breaking out of the French war, and until the retirement of those who had made it, a

retirement probably occasioned by the necessity of restoring peace, but usually ascribed to the controversy on the Catholic question, its pretext and occasion rather than its cause.

The fancy respecting the coronation oath which so entirely obtained possession of George III.'s mind and actuated his conduct during the whole discussion of Irish affairs, is now generally believed to have been impressed upon it by Lord Loughborough, and probably was devised by his subtle mind, as it was used by his intriguing spirit, for the purpose of influencing the king. But, if this was the object of the notable device, never did intriguer more signally fail in his scheme. The cabinet to which he belonged was broken up; a still more crafty successor obtained both the place he had just quitted in the king's service, and the place he had hoped to fill in the king's favour; he was made an earl, with the title of Rosslyn; he was laid on the shelf; and as his last move, he retired to a villa remarkable for its want of all beauty and all comforts, but recommended by its near neighbourhood to Windsor Castle, where the former Chancellor was seen dancing a ridiculous attendance upon royalty, unnoticed by the object of his suit, and marked only by the jeering and motley crowd that frequented the terrace. For three years he lived in this state of public neglect, without the virtue to employ his remaining facul-



ties in his country's service by parliamentary attendance, or the manliness to use them for his own protection and aggrandisement. When he died, after a few hours' illness, the intelligence was brought to the king, who, with a circumspection abundantly characteristic, asked the bearer of it if he was quite sure of the fact, as Lord Rosslyn had not been ailing before, and, upon being assured that a sudden attack of gout in the stomach had really ended the days of his late servant and once assiduous courtier, his majesty was graciously pleased to exclaim—"Then he has not left a worse man behind him."\*

It is the imperative duty of the historian to dwell upon the fate, while he discloses with impartial fullness, and marks with just reprobation, the acts of such men; to the end that their great success, as it is called, may not mislead others, and conceal behind the glitter of worldly prosperity the baser material with which the structure of their fortune is built up. This wholesome lesson, and indeed needful warning, is above all required when we are called upon to contemplate a professional and political life so eminently prosperous as the one which we have been contemplating, which rolled on in an uninterrupted tide of worldly gain and

\* The liberty has been taken to translate the expressive though homely English of royalty into a phrase more decorous and less unfeeling upon such an occasion.

worldly honours, but was advanced only by shining and superficial talents, supported by no fixed principles, illustrated by no sacrifices to public virtue, embellished by no feats of patriotism, nor made memorable by any monuments of national utility; and which, being at length closed in the disappointment of mean, unworthy desires, ended amidst universal neglect, and left behind it no claim to the respect or the gratitude of mankind, though it may have excited the admiration or envy of the contemporary vulgar.

---

## LORD THURLOW.

---

THE other helpmate upon whom Gibbon paints the pilot of the state as reposing was as different a person from Lord Loughborough in all respects as can well be imagined. We refer of course to Mr. Thurlow, who filled the office of Attorney-General until the year 1778, when he took the Great Seal. The remains that have reached us of his exhibitions as a speaker, whether at the bar, in parliament, or on the bench, are more scanty still than those of his colleagues ; for, while he sat on the bench, the reports in Chancery were on the meagre and jejune footing of the older books ; and it is only over a year or two of his presiding in the Court that Mr. Vesey, junior's, full and authentic reports extend. There seems, however, from all accounts, to have been much less lost of Lord Thurlow than there would have been of subsequent judges, had the old-fashioned summaries only of equity proceedings been preserved ; for his way was to decide, not to reason ; and, in court as well as in parliament, no man ever performed the office, whether of judging or debating, with a smaller expenditure of argument.

This practice, if it saves the time of the public, gives but little satisfaction to the suitor. The judges who pursue it forget that, to satisfy the parties, or at least to give them such grounds as ought to satisfy reasonable men, is in importance only next to giving them a right judgment. Almost as important is it to satisfy the profession and the country, which awaits to gather the law, the rule of their conduct in advising or in acting, from the lips of the judge. Nor is it immaterial to the interest even of the party who gains, that the grounds should be made known of his success, especially in courts from which there lies an appeal to a higher tribunal. The consequence of Sir John Leach deciding generally with few or no reasons assigned was, that appeals were multiplied; the successful party had only obtained half a victory; and it became a remark, frequent in the mouths of successive chancellors, that causes were *decided* below, but *heard* before them. It is an unaccountable mistake into which some fall, when they fancy that the more weight is attached to such mere sentences, because prefaced by no reasons; as if the judge were to declare the law infallible like an oracle, or omnipotent like a lawgiver, and keep to himself all knowledge of the route by which he had arrived at his conclusion. The very reverse is true. With an enlightened bar and an intelligent people, the mere authority of the bench will cease to have any

weight at all, if it be unaccompanied with argument and explanation. But were it otherwise the reason would fail, and signally fail; for the only increase of weight derived from the practice would be that to which the judgment had no claim, namely, the outward semblance to the ignorant multitude of a determination more clear and positive than really existed. Add to all this, that no security whatever can be afforded for the mind of the judge having been directed to the different parts of each case, and his attention having been held awake to the whole of the discussions at the bar, still less in equity-proceedings of his having read the affidavits and other documentary evidence, unless he states explicitly the view which he takes of the various matters, whether of law or of fact, that have been brought before him. With the exception of Sir John Leach, Lord Thurlow is the last judge who adopted the very bad practice of unreasoned decisions. But his habit of cavilling at the reasons of the common-law courts, when a case was sent to them for their opinion, a habit largely followed by Lord Eldon, extended to those courts, in a remarkable and very hurtful manner, Lord Thurlow's own practice: for the temper of those learned individuals became ruffled; and, impatient of criticism upon their reasonings, instead of rather courting a discussion of them, they adopted the evil method of returning their answers

or certificates without any reasons at all—a conduct which nothing but the respect due to the bench could hinder men from terming childish in the extreme. This custom having been much censured by succeeding chancellors, and the House of Lords itself having of late years departed altogether from the old rule of only assigning reasons where a judgment or decree is to be reversed or varied upon Appeal, it is to be hoped that the common-law judges will once more deign to let the profession know the grounds of their judgments upon the highly important *câses* sent from Chancery, as they do without the least fear of cavil or criticism upon any trifling matter that comes before them, and do (be it most reverently observed in passing) with very little desire to avoid either prolixity or repetition.

If Lord Thurlow, however, has left no monuments of his judicial eloquence, and if, indeed, his place among lawyers was not the highest, he is admitted to have well understood the ordinary practice and leading principles of those courts in which he had passed his life; and his judgments for the most part gave satisfaction to the profession. He had no mean powers of despatching the business of the court, and of the House of Lords when presiding upon appeals; nor could any man in this article resemble him less than the most eminent of his successors, who was understood to have made

him the model in some things of his conversation, garnishing it, after his manner, with expletives rather sonorous than expressive, but more expressive than becoming. Far from showing, like Lord Eldon, a patience which no prolixity could exhaust, and a temper which was neither to be vexed by desperate argumentation nor by endless repetition—farther still from courting protracted and renewed discussion of each matter, already worn threadbare—Lord Thurlow showed to the suitor a determined, and to the bar a surly, aspect, which made it perilous to try experiments on the limits of his patience, by making it somewhat doubtful if he had any patience at all. Aware that the judge he was addressing knew enough of their common profession not to be imposed upon, and bore so little deference to any other as to do exactly what suited himself—nay, apprehensive that the measure of his courtesy was too scanty to obstruct the overflow in very audible sounds of the sarcastic and peremptory matter which eyes of the most fixed gloom, beneath eye-brows formed by nature to convey the abstract idea of a perfect frown, showed to be gathering or already collected—the advocate was compelled to be select in choosing his topics and temperate in handling them; and oftentimes felt reduced to a painful dilemma better fitted for the despatch than the right decision of causes, the alternative being presented of leaving material

points unstated, or calling down against his client the unfavourable determination of the Court. It would be incorrect to state that Lord Thurlow in this respect equalled or even resembled Sir John Leach, with whom every consideration made way for the vanity of clearing his cause-paper in a time which rendered it physically impossible for the causes to be heard. But he certainly more nearly approached that extreme than he did the opposite, of endless delay and habitual vacillation of expression rather than of purpose, upon which Lord Eldon made shipwreck of his judicial reputation, though possessing all the greater qualities of a lawyer and a judge. In one important particular he and Sir John Leach closely resembled each other, and as widely differed from the other eminent person who has just been named. While on the bench the mind of both was given wholly to the matter before them, and never wandered from it at all. An ever-wakeful and ever-fixed attention at once enabled them to apprehend the merits of each case and catch each point at the first statement, precluded the necessity of much after-consideration and reading, and, indeed, rehearing; and kept the advocate's mind also directed to his points, confining his exertions within reasonable limits, while it well rewarded him for his closeness and his conciseness. The judge's reward, too, was proportionably great. He felt none of that load which pressed upon Lord



Eldon when he reflected how much remained for him to do after all the fatigue of his attendance in Court had been undergone; that anxiety which harassed him lest points should escape his reading that might have been urged in the oral arguments he had heard without listening to them; the irritation which vexed him until he had from long use ceased to care much for it, when he looked around him upon the inextricable confusion of his judicial affairs, and, like the embarrassed trader, became afraid to look any more, or examine any closer the details of his situation. If a contrast were to be formed between the ease and the discomfort of a seat upon the bench, as far as the personal feelings of the occupiers are concerned, it would hardly be possible to go beyond that which was afforded by Thurlow to Eldon.

Of his powers as a debater there are now no means to form an estimate, except what tradition, daily becoming more scanty and precarious, may supply. He possessed great depth of voice, rolled out his sentences with unbroken fluency, and displayed a confidence both of tone and of assertion which, accompanied by somewhat of Dr. Johnson's balanced sententiousness, often silenced when it did not convince; for of reasoning he was proverbially sparing: there are those indeed who will have it that he never was known to do anything which, when attended to, even looked like using

an argument, although, to view the speaker and carelessly to hear him, you would say he was laying waste the whole field of argumentation and dispersing and destroying all his antagonists. His aspect was more solemn and imposing than almost any other person's in public life, so much so that Mr. Fox used to say it proved him dishonest, since no man could *be* so wise as he *looked*. Nor did he neglect any of the external circumstances, how trifling soever, by which attention and deference could be secured on the part of his audience. Not only were his periods well rounded, and the connecting matter or continuing phrases well flung in, but the tongue was so hung as to make the sonorous voice peal through the hall, and appear to convey things which it would be awful to examine too near, and perilous to question. Nay, to the more trivial circumstance of his place, when addressing the House of Lords, he scrupulously attended. He rose slowly from his seat: he left the woolsack with deliberation; but he went not to the nearest place, like ordinary Chancellors, the sons of mortal men; he drew back by a pace or two, and standing as it were askance, and partly behind the huge bale he had quitted for a season, he began to pour out, first in a growl, and then in a clear and louder roll, the matter which he had to deliver, and which for the most part consisted in some positive assertions, some personal vitu-

ration, some sarcasms at classes, some sentences pronounced upon individuals as if they were standing before him for judgment, some vague mysterious threats of things purposely not expressed, and abundant protestations of conscience and duty, in which they who keep the consciences of Kings are somewhat apt to indulge.

It is obvious that to give any examples that could at all convey an idea of this kind of vamped up, outside, delusive, nay, almost fraudulent oratory, would be impossible. But one or two passages may be rehearsed. When he had, in 1788, first intrigued actively with the Whigs and the Prince upon the Regency question, being apparently inclined to prevent his former colleague, and now competitor, from clutching that prize—suddenly discovering from one of the physicians the approaching convalescence of the royal patient, he at one moment's warning quitted the Carlton-house party, and came down, with an assurance unknown to all besides, perhaps even to himself not known before, and in his place undertook the defence of the King's rights against his son and his partisans. The concluding sentence of this unheard-of performance was calculated to set all belief at defiance, coming from the man and in the circumstances. It assumed, for the sake of greater impressiveness, the form of a prayer; though certainly it was not poured out in the notes of supplication, but rather

rung forth in the sounds that weekly call men to the service: "And when I forget my Sovereign, may my God forget me!" Whereupon Wilkes, seated upon the foot of the throne, and who had known him long and well, is reported to have said, somewhat coarsely but not unhappily, it must be allowed, "Forget you? He'll see you d——d first." Another speech in a different vein is preserved, and shows some powers of drollery certainly. In the same debates, a noble character, who was remarkable for his delicacy and formal adherence to etiquette, having indeed filled diplomatic stations during great part of his life, had cited certain resolutions passed at the Thatched-house Tavern by some great party meeting. In adverting to these, Lord Thurlow said, "As to what the noble Lord told you that he had heard at the ale-house." The effect of this humour, nearly approaching, it must be allowed, to a practical joke, may easily be conceived by those who are aware how much more certain in both Houses of Parliament the success of such things always is than of the most refined and exalted wit. Upon another occasion, his misanthropy, or rather his great contempt of all mankind, broke out characteristically enough. This prevailing feeling of his mind made all respect testified towards any person, all praise bestowed upon men, nay all defence of them under attack, extremely distasteful to him; indeed almost matter of personal

offence. So, once having occasion to mention some public functionary, whose conduct he intimated that he disapproved, he thought fit to add, "But far be it from me to express any blame of any official person, whatever may be my opinion : for that, I well know, would lay me open to hear his panegyric." At the bar he appears to have dealt in much the same wares ; and they certainly formed the staple of his operations in the commerce of society. His jest at the expense of two eminent civilians, in the Duchess of Kingston's case, is well known, and was no doubt of considerable merit. After those very learned personages had come forth from the recesses where doctors "most do congregate," but in which they divide with their ponderous tomes the silence that is not broken by any stranger footstep, and the gloom that is pierced by no light from without, and appearing in a scene to which they were as strange as its gaiety was to their eyes, had performed alternately the various evolutions of their recondite lore, Mr. Thurlow was pleased to say that the congress of two doctors always reminded him of the noted saying of Crassus—"Mirari se quod haruspex haruspicem sine risu adspicere posset." In conversation he was, as in debate, sententious and caustic. Discoursing of the difficulty he had in appointing to a high legal situation, he described himself as long hesitating between the intemperance of A, and the

corruption of B ; but finally preferring the former. Then, as if afraid, lest he had for the moment been betrayed into anything like unqualified commendation of any person, he added, correcting himself —“ Not that there was not a —— deal of corruption in A’s intemperance.” He had, however, other stores from which to furnish forth his talk ; for he was a man of no mean classical attainments ; read much Greek, as well as Latin, after his retirement from office ; and having become associated with the Whigs, at least in the intercourse of society, passed a good deal of time in the society of Mr. Fox, for whom it is believed that he felt a great admiration, at least, he praised him in a way exceedingly unusual with him, and was therefore supposed to have admired him as much as he could any person, independent of the kind of thankfulness which he must have felt to any formidable opposer of Mr. Pitt, whom he hated with a hatred as hearty as even Lord Thurlow could feel, commingling his dislike with a scorn wholly unbecoming and misapplied.

When he quitted the Great Seal, or rather when Mr. Pitt and he quarrelling, one or other must go, and the former was well resolved to remain, the retired chancellor appeared to retain a great interest in all the proceedings of the court which he had left, and was fond of having Sir John Leach, then a young barrister, to spend the evenings with

him, and relate whatever had passed in the course of the day. It seemed somewhat contrary to his selfish nature and contracted habits of thinking, that he should feel any great concern about the course which the administration of justice should take, now that he slumbered upon the shelf. But the mystery was easily explained, by observing that he really felt, in at least its ordinary force, the affection which men long used to office bear towards those who are so presumptuous as to succeed them ; and he was gratified by thus sitting as a secret court of revision, hearing of any mistakes committed by Lord Loughborough, and pronouncing in no very measured terms his judgment of reversal upon many things in which the latter no doubt was right.

That his determination and clearness were more in manner than in the real vigour of his mind, there can be no doubt ; for though, in disposing of causes, he may have shown little oscitancy, as indeed there seldom arises any occasion for it where a judge is reasonably acquainted with his business and gives his attention without reserve to the dispatch of it, yet, in all questions of political conduct, and all deliberations upon measures, he is known to have been exceedingly irresolute. Mr. Pitt found him a colleague wholly unfruitful in council, though always apt to raise difficulties, and very

slow and irresolute of purpose. The Whigs, when he joined them, soon discovered how infirm a frame of mind there lay concealed behind the outward form of vigour and decision. He saw nothing clear but the obstacles to any course ; was fertile only of doubts and expedients to escape deciding ; and appeared never prompt to act, but ever ready to oppose whoever had anything to recommend. So little, as might be expected, did this suit the restless and impatient vehemence of Mr. Francis, that he described him as “ that enemy of all human action.”

Of a character so wanting in the sterling qualities which entitle the statesman to confidence and respect, or the orator to admiration, it cannot be affirmed that what he wanted in claims to public favour he made up in titles to esteem or affection as a private individual. His life was passed in so great and habitual a disregard of the decorum usually cast round high station, especially in the legal profession, as makes it extremely doubtful if the grave and solemn exterior in which he was wont to shroud himself were anything more than a manner he had acquired ; for, assuredly, to assert that he wore it as a cloak whereby men might be deceived, would hardly be consistent with his ordinary habits, as remote as well could be from all semblance of hypocrisy ; and so far from an



affectation of appearing better than he was, that he might almost be said to affect, like the Regent Orleans, the “bad eminence” of being worse.\*

\* St. Simon relates a saying of Louis XIV., respecting his celebrated nephew, which, he says, paints him to the life, and, therefore, that skilful writer of memoirs is unbounded in his praise of this “*trait de plume*.” “*Encore est-il fanfaron des vices qu’il n’a pas.*”

---

## LORD MANSFIELD.



CONTEMPORARY with these two distinguished lawyers, during the latter period of his life, was a legal personage in every respect far more eminent than either, *the first* Lord Mansfield, than whom few men, not at the head of state affairs, have in any period of our history filled an exalted station for a longer period with more glory to themselves, or with a larger share of influence over the fortunes of their country. He was singularly endowed with the qualities most fitted both to smooth for him the path to professional advancement, to win the admiration of the world at large, and to maintain or even expand the authority of whatever official situation he might be called to occupy. Enjoying all the advantages of a finished classical education ; adding to this the enlargement of mind derived from foreign travel, undertaken at an age when attentive observation can be accompanied with mature reflection ; he entered upon the profession of the law some years after he had reached man's estate ; and showed as much patient industry in awaiting, by attendance in the courts, the emoluments and the honours of the gown, as he had

evinced diligence in qualifying himself for its labours and its duties. His connexion with Scotland easily introduced him into the practice afforded by the appellate jurisdiction of the House of Lords;\* and the accidental indisposition of his leader, a few years afterwards, having given him an opportunity of distinguishing himself before a jury, he speedily rose into extensive practice, not, however, so much in Common-law courts as in Chancery.

Ten years after he entered the profession he was made Solicitor-General and came into parliament, which he had hitherto shunned, observing, with the caution so characteristic of the man and of the nation, "That he had many respected friends on both sides of the House, and did not care to lose the patronage of both parties for the favour of one." If this principle be as great an honour to his public virtue as to his personal discretion, his biographer has done well to record it in proof of the praises which he lavishes upon him; and certainly nothing in the subsequent course of his life can be found which betokens a falling off from the wary circumspection of his outset in life.

\* He soon rose to such eminence in this, that his biographer, Halliday, has mentioned him as engaged in thirty appeals during one session. A worse piece of biography than Halliday's, it may be observed in passing, hardly exists, notwithstanding its having so admirable a subject.

His powers as an advocate were great, though not first-rate. In manner, which he had studied so much that Pope was found one day superintending him while he practised before a looking-glass—in a sweetness of voice which by nature was almost unequalled—in clearness and skill of statement, which he so greatly laboured, that it was said his story was worth other men's argument,—in the wariness and discretion so necessary to one that represents another's interest, as an advocate does his client's,—in knowledge accurate, as far as it went, if not very profound, of the principles of the law ; and in an enlarged view of general subjects, whether of jurisprudence or of a more liberal kind—he stood high, either above all his contemporaries, or in their foremost rank. A certain want of vigour, a rising from the inroads which his constitutional caution made into the neighbouring dominions of its ally, fear, prevented him from ever filling the first place among advocates ; and to anything that deserved the name of genius or of originality he preferred at no time and in no station any claims. Atkins, his staunch admirer, has preserved, with extreme eulogy, one of his arguments in a case of great importance ; it is learned and able, but far from justifying the preference given to it over those of the other counsel, whose arguments in the same cause are also reported.

In the House of Commons it was his fortune to

defend the measures of government, when no men of eminence filled the front ranks of the opposition party, excepting Mr. Pitt (Lord Chatham); and the perilous task of encountering him always was reserved for the ministerial chief himself. That he was very successful as an elegant and persuasive speaker, is certain; that he was unequal to fill a first place, at a time when the secret had not been discovered of posting second-rate men in such positions, is as undeniable; and it is known that he felt this inadequacy: for an arrangement was at one period proposed, by which he was to have taken the lead, on the part of the government, and he peremptorily declined it. Indeed, he was both conscious of his power lying in a different direction, and resolved to follow the bent at once of his capacity and his inclination. Accordingly, on the death of Chief Justice Ryder, though much pressed to remain in parliament at a time when the ministry could ill spare him from the Treasury Bench, he distinctly intimated that, if he were not promoted to the place which he considered the Attorney-General's right, he should cease to hold any place; and a hint which was easily understood was wisely taken.

Over that great court he presided above thirty years; and his administration of its functions during that long period shed a lustre alike upon the tribunal and the judge. Although he had

chiefly practised in Chancery and the House of Lords, yet his correct legal understanding, his excellent sense, his familiar acquaintance with the general principles of jurisprudence, easily and speedily supplied any deficiency which he might have in the practice of the Common-Law Courts, and the proceedings at *Nisi Prius*; while his whole faculties, his temper, and his manners, down to the very defects which he had betrayed as an advocate, were admirably calculated for his more exalted station. His mind and his habits were, indeed, eminently judicial; and it may be doubted if, taking both the externals and the more essential qualities into the account, that go to form a great judge, any one has ever administered the laws in this country whom we can fairly name as his equal. The greatest clearness of apprehension; quickness sufficient, and not extreme, which, in a judge, is perilous, often allied with impatience, and apt to degenerate into hastiness; admirable perspicuity of statement, whether delivering his opinion to the court and the bar, or giving his directions to a jury; conciseness with clearness; these were the contributions which his understanding made towards the formation of his judicial character. Then he had a constant command of himself, never betrayed into anger, or impatience, nor ever showing spleen or any other breach of strict equality and perfect equanimity, either towards parties or their

advocates. To those higher qualities, intellectual and moral, he added the graces of a diction classical and elegant ; the ornament and, indeed, the illustration of frequent reference to larger views than the more technical discussion of legal questions requires ; and the fascination of a voice singularly flexible and sweet ; and he flung over the whole of this fine judicial figure the garb of a manner at once dignified and attractive. They who never had seen Lord Thurlow, might well imagine they had heard him, if they enjoyed access to such excellent imitators as George IV. and Lord Holland. As perfect a substitute for Lord Mansfield's manner was to be found in Lord Erskine, between whom and that celebrated person there long prevailed a great intimacy founded upon very sincere mutual admiration.

The benefits conferred by this accomplished judge upon the Court where he so long presided, and upon its suitors, were manifold and substantial. He began by at once so regulating the distribution of the business, as to remove all uncertainty of the matters which should be taken up each day, and to diminish both the expense and the delay and the confusion of former times. He restored to the whole bar the privilege of moving in turn, instead of confining this to the last day of the term. He almost abolished the tedious and costly practice of having the same case argued several times over,

restricting such rehearings to questions of real difficulty and adequate importance. He gave as many hours to the business both of Banc and of sittings as was required for dispatching it without unnecessary delay. The ascendant which he gained both over the Bar and the Bench precluded all needless prolixity of argument, all unseemly wrangling between the Court and the counsel, all inconvenient differences of opinion among the Judges. The result was, that while no time was wasted, great satisfaction was given by the clear and rational grounds upon which the decisions were rested; while the cases were so speedily and so well dispatched, that the other Courts of Common Law were drained of their business without the channels of the Court of King's Bench being choked up or overflowing. For nearly thirty years there were not more than half a dozen cases in which the Judges differed, and not so many in which the judgments pronounced were reversed.

But during a considerable period Lord Mansfield also presided in the House of Lords, or, as a legal member of that body, directed its decisions upon appeals. Nothing could be more satisfactory than his conduct of this very important department; nor anything less resembling one at least of his most eminent successors, Lord Eldon, in discharging this duty. He was master of each case when it was called on for hearing, and put the counsel to argue



the points which had been made on either side in those expensively prepared printed statements, which Lord Eldon used to treat with the attention due to equal masses of waste paper. But he did not prevent any new points from being raised at the bar, any more than he could wish to prevent any new arguments from being urged in support of the points which the printed cases disclosed. He showed, too, as great firmness and vigour in forming his judgment, although upon questions of foreign law, as he did in expediting the conduct of the arguments, although in the hands of the advocates accustomed to somewhat prolix statements. Where he was clearly convinced that the Scotch Judges had mistaken their own law, he did not scruple to reverse their decisions, and restore the violated purity of the system, although in doing so he assumed to correct those who had made it the study of their lives; even upon heads peculiar to Scottish jurisprudence, to which the English law affords no parallel, and on which he could derive no light at all from his own professional habits. It was he who reversed the decision of the Court of Session upon the celebrated Duntreath case; which, as ruled by him, forms now as much the corner-stone of the Scotch law of entail, as Shelly's case does that of England; and, while all lawyers are now agreed that he was right, it may fairly be doubted whether some of his successors, and especially Lord Eldon, would have

ventured to overrule some other judgments in which the Scottish Courts had equally gone astray in applying their own law, had not Lord Mansfield shown the salutary courage which he displayed in that first and most remarkable reversal. It is not easy to overrate the importance of such an able and judicious administration of the powers vested in the High Court of Appeal. Encumbered as that tribunal is with so many difficulties from the foreign law which it must needs administer, and without those aids from the Judges, which it has at hand upon the far better known and more settled matters of English jurisprudence, nothing can preserve the purity of our judicial system, or retain towards it the respect and affection of the Scottish nation, except a succession of such able, enlightened, and determined Judges as Lord Mansfield in that high Court ever proved himself to be.

Upon all common cases where a Judge can have no possible reason for leaning towards one side rather than another in a country where judicial bribery or solicitation is unknown, no breach of strict justice can ever be committed except through the temper of the individual, or his want of firmness towards particular practitioners. But occasionally there arise questions in our Courts, and especially in the King's Bench, the first criminal tribunal of the realm, where political considerations mix themselves with the trial, and where the result

affects party interests or party prejudices—questions, the occurrence of which would have made the placing a Lord Chief Justice in the cabinet a grievous breach of the constitution in 1806, although there had been no other reasons against that most reprehensible proceeding. That Lord Mansfield was no longer the same pattern of living justice, the same *lex loquens* on those occasions, has been very generally affirmed; and although the errors of his enemies, especially of Junius, have been long since exploded, there is little room to doubt that in trials for libel he leant against the freedom of discussion, and favoured those doctrines long current, but now cried down by statute, which withdrew the cognizance of the question from the Jury to vest it in the Court. That he felt the same disgust at newspaper attacks upon individuals, the same dislike of vehement and unmeasured invectives against the abuses of our institutions, the same alarm at assaults upon the existing institutions themselves, which in all ages have distinguished all our judges, may readily be admitted. Who will pretend, even in our days, far more before Mr. Fox's Libel Act, that Lord Mansfield alone of all judges defined the liberty of the press only as a power of publishing without a previous licence? In this, as in all his opinions and prejudices upon the subject, he resembled all other judges of all former times, and, with very few exceptions, those also of our own day.

But that he should ever betray his prejudices or his feelings in any breach of justice while trying particular cases, would have been eminently inconsistent with the whole tenor of his cautions and circumspect demeanour upon the bench, and have betokened a want of that self-command which in him was so habitual as to have become truly a second nature. His leaning towards the side of authority was once or twice remarked in cases of importance, but cases where both the legal principle and the practice were far from being clearly settled. Thus upon application for a mandamus to the justices to make an order of filiation upon a foreign ambassador's secretary, he somewhat hastily refused it, supposing the motion to be a device for obtaining the court's opinion, and an attempt to draw it into collision with foreign states. This view was manfully resisted by the counsel who moved; and Mr. Justice Yates took part with them. In the end Lord Mansfield gave way, and the remedy was granted as sought. But it must be observed, that the third judge present, Mr. Justice Aston, at first entirely concurred with the Chief Justice, and only changed his opinion upon further consideration, being moved by the reasoning of the dissenting judge. Great objection was likewise taken to his directing a jury, in the case of Lord Grosvenor's action for seduction against the Duke of Cumberland, that the rank and station of the plaintiff made no difference in his

claim to damages ; an opinion which, after the greater experience of later times in such proceedings, appears as soon as it is stated to be altogether erroneous, but which, if it favoured the Prince who was defendant on the one hand, certainly indicated, on the other, a sufficient respect for the equal rights of all classes of plaintiffs, and might be as unpalatable to the Aristocracy as it was pleasing to the Crown.

There needs little to be said of what at the time created great discussion in the profession, the judgment which he delivered in the celebrated case of *Perrin v. Blake*. That it was erroneous, no lawyer can doubt ; but that it required all the adherence to strict principle of which the most technical mind is susceptible, to apply in such a question the famous Rule in *Shelly's* case, is equally certain : for in order to make that application, and to consummate the triumph of the Rule, it was necessary for the court to construe a man's will giving an estate "for the life of the devisee, and no longer," as a gift of that estate to him in tail, consequently with the power of at once converting his interest into a fee simple. Although it is impossible to deny that this is the true legal construction of such a devise, if, as in the case of *J. Williams's* will, the remainder is afterwards given to the heirs of the devisee's body ; for to hold otherwise would be to abrogate the rule in *Shelly's* case, which is both

founded on strict legal principles, and has for centuries been the corner-stone of English conveyancing: yet it is fit that we keep in mind the apparent paradox to which it led, in order to account for so great a judge as Lord Mansfield having leant against this application, which he regarded as an extension of the Rule; and from which his wise and wholesome habit of always as much as possible preferring substance to technicality made him deviate. It must also be observed, that here, as in the former instance, he had the concurrence of his learned brethren, excepting only Mr. Justice Yates; whose difference of opinion led to his leaving the Court of King's Bench, and removing to the Common Pleas for the very short residue of his truly respectable and useful life.\* But an accident of a most unimportant kind made more talk in Westminster Hall than all the real merits of either the judges or the cause. It appeared that while at the bar Lord Mansfield's opinion had been taken upon the point raised by this very will, and that he had said, as he ought to have said, "The devisee takes

\* This able, learned, and upright judge showed a courage greatly extolled in those times, but which, it is to be hoped, every member of the bench would now display as a matter of course. The Minister having tampered with him in vain previous to some trial involving rights of the Crown, the King was foolish or wicked enough to write him a letter, and he returned it unopened. Alderman Townsend stated this in Parliament, and it was not contradicted.

an estate tail, and not for life." Surely no one can ever read the remarks of Mr. Booth, Mr. Fearne, and other conveyancers upon this trifling circumstance, and not marvel at their pedantry and captiousness, so little worthy of such learned and able men. What if Mr. Murray's opinion differed from Lord Mansfield's judgment? It would not have proved the judgment to have been wrong; and if the counsellor had given what on more mature deliberation, and after hearing the case argued by all the learning of the bar, the Judge deemed an erroneous opinion, was he to sacrifice his duty of deciding by his conscience at the time, to an unworthy fear of appearing inconsistent? If his opinion had undergone a change, was he not to avow it? Nay, was it any shame to change his opinion upon hearing the subject for the first time fully discussed?

The ridiculous charge brought by Junius and others against his direction to the jury on the Home Circuit, in a case of trespass between two unknown individuals, and where no possible motive for partiality could be imagined or was ever pretended, we hardly perhaps should mention, were it not an illustration of the outcry which absolute ignorance may sometimes succeed in raising. It was the case of *Mears v. Ansell*, which was tried before him on the circuit, in 1772; and a new trial was granted by the Common Pleas on the ground

that the Chief Justice had improperly directed the Jury to credit the testimony of two subscribing witnesses, contrary to their signed attestation. Junius called it "a new disgrace of Mansfield;" and the note to his published letter, with profound ignorance of the whole practice of the courts, mentioned it as a proof of extraordinary dissatisfaction with the summing up, that the new trial was granted without the payment of costs; adding, "that the usual terms were thus dispensed with." The same *learned* note adds, that the plaintiff's attorney moved the next term to have his name struck off the Roll of the King's Bench attorneys, and that "he was immediately admitted into the Common Pleas;" a mere matter of course, as every one but Junius must have known.

As to Junius's charge of illegal conduct in bailing a felon taken with the mainour, his celebrated letter betrays as great ignorance of the most commonly known matters of law (*e. g.* that Justices of Peace are at sessions Judges of Record, and are King's justices) as it does confusion in argument, and vacillation through legal ignorance, and uncertainty about the grounds on which he rests his charge. Indeed, he himself shifted them in defending his first argument; and it was at the time universally allowed that he was altogether in the wrong. Lord Camden was said at first to have agreed with him; but that he abandoned so un-



tenable a ground is plain from his never once, though called upon, venturing to touch the subject. But when he had valiantly denounced impeachment against the Chief Justice for this bail case, much after the manner of Cobbett and others in after times, this writer charged him with gross partiality in reversing the decree against Lord Chatham upon the suit arising out of the Burton Pynsent devise; and after this reversal had been so audaciously ascribed to corrupt favour, towards his political antagonist too, when the matter was examined, it was found that the Commissioners of the Great Seal had only considered one point, and on that had made their decree, whereas there remained another point decisive of the matter, which way soever the former might be determined. Upon this new point the Judges were consulted, and upon this they were unanimous for the appeal, although upon the others they differed; so that a reversal of the decree was almost a matter of course, and it was much rather the act of the Judges than of Lord Mansfield. Junius being overthrown by this plain and incontrovertible statement, had the courage to treat it as a quibble only worthy of a barrister (Letter LXIII.), although he had himself before explicitly said, that he was at issue with Lord Mansfield's defenders on the question, whether or not he (Lord Mansfield) had given any opinion on the case in the House of Lords, and "that this

was a question of fact to be determined by the evidence only." (Letter LXI.)

These things are far indeed from being unimportant. They affect essentially the question of judicial reputation. They show upon what kind of grounds the fabric of a great man's professional fame, as well as the purity of his moral character, were assailed by the unprincipled violence of party at the instigation of their ignorance, skulking behind a signature made famous by epigrammatic language and the boldness of being venturesome in the person of a printer who gained by allowing dastardly slander to act through him with a vicarious courage. They tend to reduce the estimate of such an author's value as much as they raise the reputation of those whom, from his lurking-place, he had assailed ; and they read a memorable lesson to the people, if upon such subjects the people ever can be taught, not to repose confidence in those who are unknown against men whose whole lives are passed in the face of open day, and under the constant security of personal responsibility. Nor let it be forgotten upon what flimsy pretences the country was required to embark in a persecution of Lord Mansfield. Nor let it cease to be remembered that upon such grounds as we have been surveying the most popular writers of the day were suffered to call him "cowardly"—"cunning"—"dishonest"—"a juggler"—"a bad man and a worse judge"—

“a creature at one time hateful, at another contemptible”—“one meriting every term of reproach and every idea of detraction the mind can form”—“a cunning Scotchman, who never speaks truth without a fraudulent design”—“a man of whom it is affirmed, with the most solemn appeal to God, that he is the very worst and most dangerous man in the kingdom.”\* But it turned out afterwards that the same anonymous writer, who, while he wore the mask of Junius, almost ever praised Lord Chatham, had under other disguises assailed him as bitterly as he had his antagonists; and his rancorous abuse of the great patriot does all but outstrip his slanderous assaults upon the venerable judge. He (Lord Chatham) is described as “not a man of mixed character, whose vice might be redeemed by some appearance of virtue and generosity, but a man purely and perfectly bad.” It is said we may easily foretel “the progress of such a traitor, and the probable event of his crimes,” since he led “a life of artifice, intrigue, hypocrisy, and impudence;” a career “which equally violates every principle of honour and morality”—“an abandoned profligate”—“so black a villain, that though we have no Tarpeian rock, yet a gibbet is not too honourable a situation for the carcase of a traitor”—“a base apostate”—“the stalking-horse of a stallion” (Lord Bute)—“below contempt”—“a venomous reptile”

\* Junius's Letters, xli. lix. lxiii. lxix.

—“a lunatic”—and “a raving madman.”\* The great gravamen, too, of these charges against him is his leaning towards the Americans, of whom the furious, shallow, and conceited writer was a bitter and intemperate opponent, as he was a bigoted advocate of the mother-country’s tyranny.

It may surely be said with justice, that such disclosures as these, while they reduce to their true level the claims of Junius to fame, easily account for the author having died and kept his own secret. He appears to have been a person in whose bosom every fierce and malignant passion raged without the control of a sound judgment, and without any kindly feeling to attemper his nature. Writing at a time when good or even correct composition was little studied, and in the newspapers hardly ever met with, his polished style, though very far from being a correct one, and farther still from good pure English, being made the vehicle of abuse, sarcasm, and pointed invective, naturally excited a degree of attention which was further maintained by the boldness of his proceedings. No man can read a page of any letter without perceiving that the writer has but one way of handling every subject, and that he constructs his sentences with the sole design of saying the most bitter things he can in the most striking way, without ever regarding in

\* Miscellaneous Letters, published by Woodfall (1814), vol. ii.

the least degree their being applicable or inapplicable to the object of the attack. The consequence is, that the greater part of his invective will just suit one bad man or wicked minister as well as another. It is highly probable that whoever he might be, he had often attacked those with whom he lived on intimate terms, or to whom he was under obligations. This affords an additional reason for his dying unrevealed. That he was neither Lord Ashburton, nor any other lawyer, is proved by what we have said of his gross ignorance of law. To hold that he was Mr. Francis is libelling that gentleman's memory; and although much external evidence concurs in pointing towards him, he certainly never wrote anything of the same kind in his own character.

But those charges made against Lord Mansfield's judicial conduct were definite and precise. Others were urged of a kind so vague, that it was impossible distinctly to apprehend or pointedly to meet them. He was accused of encroaching upon the certainty of the common law, by making his views bend to general notions of substantial justice. That he was always anxious to get at the body of the case, and deal with it so as to give merited success to undoubted right, is admitted; and in sometimes neglecting the dictates of technical rules, when they obstructed his path towards substantial justice, he might possibly overlook the great advantages of

having a fixed rule applicable to all cases ; advantages well worth the unavoidable price which must be paid for them in the occasional hardship, or even apparent absurdity, that may attend their inflexible application. But when the same objection is advanced to his introducing rules universally applicable, and choosing those which are more consistent with common sense and liberal feeling than with merely technical analogy, we are bound to turn from the criticism with indignation. By this course he was improving our jurisprudence, and not encroaching upon its principles ; nor was the certainty of the law in any way impaired by establishing its rules upon an enlarged basis.

That he was fond of drawing over equitable notions from the Courts in which he had been chiefly trained, and applying them to the consideration of legal matters, is the same objection in another form. Some of the most valuable portions of our common-law remedies are derived from Equity ; witness the action for money had and received, and indeed the action of *Indebitatus assumpsit* generally : and special pleaders who never saw a bill or an answer, but when they were used in evidence at *nisi prius*, such men as Mr. Justice Chambre, (among the first ornaments of his profession, as among the most honest and amiable of men,) have shown their sense of the advantage thus gained to the common law by reminding other

but less learned men, like Lord Chief Justice Gibbs, of this circumstance, when they grounded their argument upon the position that the point they were attacking was one of an equitable, and not of a legal consideration. As for the clamour (and it was nothing more than clamour, and ignorant clamour, too) that Lord Mansfield was making the old Saxon principles of our jurisprudence bend to those of the Civil Law, it is wholly marvellous that men of any understanding or education should have ever been found so much the slaves of faction as to patronise it. Lord Mansfield at no period of his life ever had, or could have had, the least predilection for the civil law, arising from any familiarity with its institutions. He never was a Scotch advocate at all ; or if he was, it must have been in the cradle, for he left Scotland at three years of age. With the Consistorial Courts, if by their practice the Civil Law is meant, he had necessarily very little intercourse.\* Chancery has nothing to do with that system unless in so far as it prefers the bad practice of written depositions to *vivâ voce* examinations ; and also in so far as every rational system of jurisprudence must necessarily have much

\* It would, in our times, have been impossible for him to have any practice at all in these courts unless in cases of appeal, formerly before the Delegates, now in the Privy Council. But when Lord Mansfield was at the bar, it was the custom for common lawyers to attend important cases in Doctors' Commons. This, however, was of rare occurrence.

in common with the most perfect structure that ever was formed of rules for classifying rights and marshalling the remedies for wrongs. Nor can anything be found in all the train of his decisions which betokens more leaning towards the Roman code than a regard for the enlarged and universal principles of abstract justice sanctioned, if it did not prescribe. Yet could the most popular writers of the day, those, too, whose pretences even to legal learning were the most obtrusive, denounce the Chief Justice as engaged in a deliberate plot to reduce slavery to system, "by making the Roman code the law of nations, and the opinion of foreign civilians his perpetual theme," after the example of "the Norman lawyers, who made the Norman Conquest complete;" and as thus "corrupting by such treacherous arts the noble simplicity and free spirit of our Saxon laws."\* Ignorance cannot surely go beyond this point. The civil law only became hostile to liberty through the imperial portion of it introduced by the Emperors, and which made the will of the Prince the law of the land. In no other particular is it at variance with freedom; and who ever dreamt that Lord Mansfield had the power of introducing that portion, let his inclination have been ever so much bent in such a direction?

But this topic leads us to the political charges

\* Junius's Letters, No. xli.



which were brought against this great magistrate. Unfortunately for his fame as well as for his tranquillity, he continued to mix in politics after he ceased to be in the service of the crown as an advocate. He not only acted as Speaker of the House of Lords for above a year, but for a much longer time he had a seat in the cabinet, and took a part in the business of government, all the more objectionable in his position, that it was much more active than it was open and avowed.

While the Great Seal was in commission previous to Lord Bathurst's obtaining it as Chancellor, Lord Mansfield was, to all political intents and purposes, the Chancellor, without having the responsibility of that high office : nor did he less act as the legal adviser of the government, when that worthy, but somewhat feeble individual, more ostensibly filled the place. The vice of the Chief Justice's character was a want of boldness, that made him shrink from personal responsibility. Hence he never would accept the first station in the law ; and hence, too, he was believed to have urged or advised many things, which he either had opposed or had only passively suffered ; for, when once a statesman acquires the evil reputation of shunning responsibility while he seeks power, there is no preventing the world from tracing every mischief to a source which appears to hide itself only because there is something to conceal.

The same want of nerve more than once appeared

in his judicial proceedings. When Lord Camden, a man inferior to him in everything but courage, openly attacked his libel law in Woodfall's case, and dared him to defend it, he contented himself with saying, "He would not answer interrogatories." He afterwards challenged Lord Camden to meet him and argue the question; and when Lord Camden named his day, he refused to debate it. He then had the Lords summoned to hear the matter discussed; and he came down and had the house precipitately adjourned, after giving in a paper to the clerk, containing a note of the Opinions of the Judges. When asked if he meant to have it taken into consideration by the house, and would move accordingly, he said, "Oh no; he only meant to give the peers an opportunity of seeing, and, if they chose, taking copies of the note." When desired to say if he would have it entered on the journals, his answer again was, "No, only to leave it with the clerk." We may venture to affirm that no such course of proceeding could safely be pursued by the boldest judge of our own day, or would be resorted to by the most timid. We may also form an opinion from such conduct in that great judge, how very different a line he would have taken in such a struggle with the Commons, as his honest and patriotic successor has lately been engaged in, had he lived in these times of high parliamentary pretension.

If we possess hardly any remains of Lord Mans-

field's speeches at the bar or in parliament, we have considerable materials from which to form an estimate of his judicial eloquence. The Reports of Sir James Burrows are carefully corrected, to all appearance; probably by the learned Judges themselves. Many of the judgments of the Chief Justice are truly admirable in substance, as well as composition; and upon some of the greater questions, his oratory rises to the full height of the occasion. It would be difficult to overrate the merit of the celebrated address to the public, then in a state of excitement almost unparalleled, with which he closed his judgment upon the application to reverse Wilkes's outlawry. Great elegance of composition, force of diction, just and strong but natural expression of personal feelings, a commanding attitude of defiance to lawless threats, but so assumed and so tempered with the dignity which was natural to the man, and which here, as on all other occasions, he sustained throughout, all render this one of the most striking productions on record. The courage, however, rested mainly, if not entirely, in the tone and the words; for after disposing of the argument, and on all the grounds taken at the bar refusing the reversal, he arrives, by a short and unexpected byeway, at the means of granting Mr. Wilkes's application; and he was therefore well aware all the while that he was reversing the accustomed relation of the *suaviter* and the *fortiter*;

nor could be said to do otherwise than couch in the language of rebuke and refusal a full compliance with the popular demands.

His character in private life was unimpeachable. He never had any children, but his domestic virtues were without a stain. His choicest relaxation was in the polished society of literary men and lovers of the arts; and his powers of conversation are extolled in all the traditions that have reached the present age, as of a very high order. That his manners were polished and winning can easily be believed from the impression his public appearances uniformly made. But when to these were added his great and various knowledge, chiefly of a kind available to the uses of society, his cheerful spirits and mild temper, his love of harmless pleasantry, and his power of contributing towards it by a refined and classical wit, it is not difficult to understand what the reports mean which unite in describing him as fascinating beyond almost all other men of his time. Through a vigorous constitution, upon which no excess of any kind, in mind or in body, had ever made inroads, he lived to an extreme old age, dying from exhausted nature when near ninety. He presided in court regularly till he reached his eighty-second year, and resigned formally in his eighty-fourth, having continued to hold his high office for two or three years longer than he ought to have done or could discharge its duties, in the

hope of prevailing with the ministry to appoint his favourite Judge Buller his successor. But Mr. Pitt, while at the bar, had seen things in that able and unscrupulous magistrate which made him resolve that no such infliction should fall on the English bench ; and it is to his virtuous resolution that the preference of Lord Kenyon was due, which Lord Thurlow always arrogated to himself.

It has become the more necessary to dwell at some length upon the history of this great man, because a practice has prevailed of late years in the profession which he adorned, and even upon the bench which he so much more than any of his predecessors illustrated, of treating him with much less respect than is his due. The narrow minds of little men cannot expand even to the full apprehension of that excellence with which superior natures are gifted, or which they have by culture attained. They are sufficiently susceptible, however, of envious feelings to begrudge virtue the admiration which it has justly earned ; and jealous that any portion of applause should be drawn away from the puny technicalities of their own obscure walk, they carp at some trifling slips which may have been made in the less weighty matters of the law, the only portions their understandings can grasp. It has thus grown into a kind of habit with some men, very respectable in their own department, to decry Lord Mansfield as no lawyer, to speak lightly of his

decisions, and to gratulate themselves that he did not intrude yet greater changes into our legal system by further departure from strict rules. But a more enlarged view even of the rigorous doctrines of our jurisprudence, will at once brush these cavils away, and show the truth of a position ever denied by the vulgar, both gowned and ungowned, that great minds may be as correct in details, as powerful to deal with the most general principles.

---

## LORD CHIEF JUSTICE GIBBS.



OF the class of the inferior though able men to whom we have just referred, the late Sir Vicary Gibbs was certainly among the most eminent ; and he had all the perfections of the order, and more than the ordinary share of its faults. It is a great error, committed only by those who view them from afar off, to imagine that their learning is of a confined nature, either in their own profession or in other branches of education. They are in no respect mere special pleaders, or men familiar only with the practice of the courts. They are even in some respects not to be termed mere lawyers. They are acquainted with the whole of the law, which they have studied accurately, and might also be admitted to have studied profoundly, if depth can be predicated of those researches, which, instinctively dreading to penetrate the more stubborn and more deep-lying vein of first principle, always carry the labourer towards the shallower and softer bed that contains the relics of former workmen, and make him rest satisfied with these patterns as the guide and the rule. All that has

been said or written, however, by text-men or by judges, they know; and of it all, much practice has given them great expertness in the application. Then their education has not been confined to mere matter of law. It has indeed been far from a very enlarged one; nor has it brought them into a familiar acquaintance with the scenes which expand the mind, make it conscious of new powers, and lead it to compare, and expatiate, and explore. Yet has this course of instruction not been without its value; for they are generally well versed in classical literature, and often acquainted with mathematical science. From the one, however, they derive little beside the polish which it communicates and the taste which it refines; from the other, they only gain a love of strict and inflexible rules, with a disinclination towards the relaxation and allowances prescribed by the diversities of moral evidence. From both they gather a profound deference for all that has been said or done before them, an exclusive veneration for antiquity, and a pretty unsparing contempt for the unlettered and unpolished class which form and ever must form the great bulk of mankind in all communities. A disrespect for all foreign nations and their institutions has long been another appointed fruit of the same tree; and it has been in proportion to the overweening fondness for everything in our own system, whether of polity or of mere law.



The long interruption of all intercourse with the continent during the late war had greatly increased these narrow and absurd prejudices, which are now somewhat more nearly brought back to their ancient level. But still the precise dictates of English statutes, and the dicta of English judges and English text-writers, are with them the standard of justice ; and in their vocabulary, English law is as much a synonyme for the perfection of wisdom as, in that of Dean Swift's imaginary kingdom, Houynhm was for the "perfection of nature."

Of lawyers who belong to this class, by far the most numerous in the profession, it is also a great mistake to suppose that the talents are confined to mere legal matters, the discussion of dry points, and the conduct of suits according to technical rules. Many of them are subtle and most able arguers ; some even powerful reasoners. As admirable a display of logical acumen, in long and sustained chains of pure ratiocination, is frequently exhibited among their ranks as can be seen in the cultivators of any department of rhetoric, or the students of any branch of science. They often make high pretences to eloquence, and, without attaining its first rank, are frequently distinguished for great powers of speech, as well as extraordinary skill in the management of business. Their legal reputation, however, is the chief object of their care ; and in their pursuit of oratory, they aim far

more at being eloquent lawyers than orators learned in the law. Hence their estimate of professional merit is all formed on the same principle, and graduated by one scale. They undervalue the accomplishments of the rhetorician, without despising them; and they are extremely suspicious of any enlarged or general views upon so serious a subject as the law. Change, they with difficulty can bring their minds to believe possible; at least any change for the better: and speculation or theory on such matters is so much an object of distrust, or rather of mingled contempt and aversion, that when they would describe anything ridiculous, or even anomalous in the profession, they cannot go beyond what they call “a speculative lawyer.” To expect success in such a one’s career was formerly thought absurd. But the great triumph of Sir Samuel Romilly was a sore stumbling-block to technical minds. A free-thinker upon legal matters, if ever any existed; accomplished, learned, eloquent, philosophical; he yet rose to the very head of his profession, and compelled them to believe what Erskine had failed to make them admit—that a man may be minutely learned in all the mere niceties of the law, down to the very meanest details of court practice, and yet be able to soar above the higher levels of general speculation, and to charm by his eloquence, and enlighten by his enlarged wisdom, as much as

to rule the Bench and head the Bar by his merely technical superiority.

The professional character of the men whom we are discussing is generally pure and lofty ; the order to which they belong is sacred in their eyes ; its fame, its dignity, even to its etiquette, must all be kept unsullied ; and whatever may be their prejudices and their habits, political or professional, how great soever their deference to power, how profound their veneration for the bench, how deep-rooted their attachment to existing institutions, how fierce their hostility to all innovations, how grave or how scornful their frown upon the multitude at large, yet is their courage undaunted in defending whatever client may entrust his suit to their patronage, be he a rabble-leader or a treason-monger, a libeller or a blasphemer ; and in discharging towards him the high duties of their representative character, they so little regard either the resentment of the government or the anger of the court, that they hardly are conscious of any effort in sacrificing every personal consideration to the performance of their representative, and because it is representative, their eminently important office.

Of the men whom we have now endeavoured to portray as a class, Sir Vicary Gibbs was a perfect sample. Endowed by nature with great acuteness and an unlimited power of application, he became,

to use his own somewhat unseemly expression, towards as considerable a man as himself, and a far more amiable one, "as good a lawyer as that kind of man can be." Disciplined by an excellent classical education, the fruits of which stuck by him to the last, and somewhat acquainted with the favourite pursuits of Cambridge men, his taste was always correct, and his reasoning powers were as considerable as they ever can be in a mind of his narrow range. To eloquence he made only moderate pretences; yet was his language, which gurgled out rather than flowed, often happy, always clear and transparent, owning a source sufficiently pure, if somewhat shallow, and conveying ideas not numerous, not original, not fetched from afar, not brought up from the lower beds of the well, yet suited to each occasion, well under control, and made easily accessible to others in the same proportion in which they were correctly apprehended by himself. His legal arguments were often much to be admired. He did not go by steps, and move on from point to point, garnishing each head with two observations, as many citations, and twice as many cases; so that the whole argument should be without breadth or relief, and each single portion seem as much as any other the pivot upon which the conclusion turned—but he brought out his governing principle roundly and broadly; he put forward his leading idea by which the rest were to

be marshalled and ruled ; he used his master-key at once, and used it throughout, till he had unlocked all the apartments by which he mounted to the Great Chamber, and he left the closets untouched, that they who followed him might, if they chose, waste their time in picking the locks, or lose their way in the dark bye-passages. It might be said of him, as he said himself of Sir James Mansfield, that “ he declared the law,” while he argued his cases ; and while others left only the impression on the hearer that many authorities had been cited, and much reading displayed, his argument penetrated into the mind, and made it assent to his positions, without much regarding the support they found from other quarters. But he was also a very considerable person at *Nisi Prius*. His correct and easy knowledge of all legal matters was here by no means his only superiority. He was ready in dealing with evidence ; he could present to the Jury the facts of his case boldly and in high relief ; though he was wholly unable to declaim, and never dreamt of addressing the feelings or the passions, any more than if he were speaking to mummies without any sensation, much less any feelings or passions to address ; yet he could, especially when clothed with the dignity of high official station, deliver himself with considerable emphasis, though without any fluency, and could effect the purpose of impressing the facts

upon the jury's mind, by the same strong and even choice phrases, sparingly used, though coming out with little flow of words, and no roundness of period, which we have remarked among the characteristics of his arguments to the court upon the law. Those who heard his cross-examination of Colonel Wardle, in the prosecution of Mrs. Clarke, and who understood the real circumstances in which the concerted cross-examination of Major Glenie and Captain Dodd was conducted by Mr. Garrow, could be at no loss in greatly preferring the former display of professional skill and energy. Nor was his address to the jury less remarkable for energy and for skill. It was a case indeed in which his whole feelings were strongly embarked; he had defended the Duke of York with much ability of a professional kind in the House of Commons, where other influences than that of pure reason were very prevalent; and he rejoiced to meet upon his own ground the adversaries whom he had failed to defeat upon theirs.

The Treason Trials of 1794 were the occasion of this able barrister first being introduced to public notice, and they accelerated his professional rise, although he had already been made secure of great success. He was second counsel to Mr. Erskine,\* as Mr. Erskine had been in Lord George

\* There was a third, on account of the extreme labour cast upon the counsel; and, by a kind of connivance, the

Gordon's case to Mr. Kenyon, afterwards Lord Chief Justice. But although Mr. Gibbs's summing up the evidence was allowed, on all hands, to be a masterly performance, and of very signal service to the cause, the overwhelming genius of his great leader so far eclipsed him, that while, in 1780, no one spoke of the chief, but all admiration was reserved for the second in command, in 1794 the leader alone was mentioned, and the important contribution made by the junior to the mighty victory escaped all but professional observation. In Westminster Hall, however, it was estimated at its real worth; and, notwithstanding his narrow-minded notions on political matters, his slavish adherence to the Tory party, his bigoted veneration for existing things, and hatred of all disaffection, or even discontent, the courage and perseverance which he displayed throughout that trying scene, both towards the government whom he was defeating in their frantic scheme, and towards the court whom he was constantly joining his leader to beard, was not surpassed by the technical ability

Court permitted this, although the statute of William III. only allows two, while the Crown had above half a dozen. This third was Mr., afterwards Baron, Gurney, a warm friend of civil and religious liberty, and of that highly respectable and useful family to whom the art of stenography and the history of public proceedings owes much: and whose steady and honest adherence to their principles covers them with honour.

which he showed,—nay, was not exceeded even by the manly boldness which won for that leader the most imperishable of all his titles to the admiration and gratitude of mankind.

The general narrowness of Sir Vicary Gibbs's mind has been marked; but on the side of vanity and self-conceit it was out of proportion to its dimensions in other parts. It always seemed as if no one could do anything to please him, save one individual; and *his* performances were rated at the most exorbitant value. Nay, the opinion of that favoured personage he estimated so highly, that there always lay an appeal to him from the bench, as well as from every other authority; and it was sometimes truly laughable to observe the weight which he attached to a single sentence or a word from one with whom he was ever so entirely satisfied. On a certain trial he had occasion to mention some recent victories of Lord Wellington's army in the Peninsula, and had named three battles with praise not very lavish, because every word was deemed of inestimable value, but had omitted Busaco; he corrected himself very ostentatiously, and went back to include that fight, with the feeling manifest to all who heard him, that real and irreparable, possibly fatal injury would be done to the troops, had the momentary omission unhappily not been supplied. When he came among the heads of the law, whether in his own court or at



occasional meetings of the twelve, even while junior puisne judge, he arrogated the place and deference due to the chief of the whole; and when he was made first Chief Baron, and afterwards Chief Justice, there were no bounds to his contempt for all the opinions of all his brethren, although it is an undeniable fact that he was not nearly so much distinguished for the soundness of his opinions upon the bench as he had been for the excellence of his arguments at the bar. In trials at *Nisi Prius* he was distinguished for the little and peevish temper which predominated in him, often to the seeming injury of his judgment, almost always to the detriment of his judicial powers; and so absolutely was he persuaded of his own universal capacity, and the universal unfitness of others, that it was no uncommon thing for him to ask, somewhat roughly, for a counsel's brief, that he might see what was intended to be stated; then lecture the attorney who had prepared it; soon after the witnesses; and down to the officers of the court, whose functions of keeping silence and order he would occasionally himself undertake to perform. So that it was not an uncommon remark that the learned Chief Justice was performing at once, in his own person, the offices of judge and jury, counsel for both parties, attorneys for both, witnesses on both sides, and crier of the court. To the same conceited spirit was owing his much graver offence of

parading rash opinions upon branches of the law with which the previous habits of his life had never brought him very familiarly acquainted, and even of forming hasty judgments upon matters to which he was more accustomed. Certain it is, that there were decisions, both of his own at *Nisi Prius* and afterwards of the Court in Banc, which he persisted in forcing upon his brethren, and which do little credit to any of the parties concerned in them.

The survey which has just been taken of this eminent counsellor does not show him as filling the highest places in his profession ; and yet if we follow him into the House of Commons, the falling off is very great indeed. There he really had no place at all ; and feeling his nullity, there was no place to which he was with more visible reluctance dragged by the power that office gives the government over its lawyers. He could only obtain a hearing upon legal questions, and those he handled not with such felicity or force as repaid the attention of the listener. He seldom attempted more than to go through the references from one act of parliament to another ; and though he was doing only a mechanical work, he gave out each sentence as if he had been consulted and gifted like an oracle, and looked and spoke as if when citing a section he was making a discovery. When Mr. Perceval was shot, his nerves, formerly ex-

cellent, suddenly and entirely failed him ; and he descended from the station of Attorney-General to that of a Puisne Judge in the Common Pleas.

Of his political prejudices, which were quite intolerant and quite sincere, mention has already been made. To the cause of reform, in all shapes and under what name soever, he was the bitter enemy. Towards all who indulged in free discussion, whether of measures or of men, he was an implacable adversary. The Press, therefore, engaged a large share of his dislike ; and under the combined influence of exasperation and alarm he filed so many *ex officio* informations in a few months, that no two attorney-generals ever in a long course of years loaded the files of the court with as many. It was his truly painful fortune that, as most of these regarded the attacks on the Duke of York, he was compelled soon to withdraw them all ; while in several of the others he was defeated ; and partly by his excessive use of the power, partly by his failure in the exercise of it, he had the agony, to him most excruciating, of being signally defeated in his attempts to crush the press, and of causing all the discussions of the *ex officio* power which first brought it into hatred and then into disuse.

This is that successful barrister, that skilful special pleader, that acute lawyer on common points, that dexterous and expert practitioner, (for

all this he was, as certainly as he was a little-minded man)—this is he whom the men that condemn Lord Erskine, and look down upon Lord Mansfield, and would fain, if they durst, raise their small voices against Sir Samuel Romilly, hold up as the pattern of an English lawyer.

---

## SIR WILLIAM GRANT.

---

IF from contemplating the figure of the eminent though narrow-minded lawyer whom we have been surveying, we turn to that of his far more celebrated contemporary, Sir William Grant, we shall find, with some marked resemblances, chiefly in political opinions and exaggerated dread of change, a very marked diversity in all the more important features of character, whether intellectual or moral. We have now named in some respects the most extraordinary individual of his time—one certainly than whom none ever better sustained the judicial office, though its functions were administered by him upon a somewhat contracted scale—one than whom none ever descended from the forum into the senate with more extraordinary powers of argumentation, or flourished there with greater renown. It happened to this great judge to have been for many years at the bar with a very moderate share of practice; and although his parliamentary exertions never tore him away from his profession, yet his public character rested entirely upon their success until he was raised to the bench.

The genius of the man then shone forth with

extraordinary lustre. His knowledge of law, which had hitherto been scanty and never enlarged by practice, was now expanded to whatever dimensions might seem required for performing his high office ; nor was he ever remarked as at all deficient even in the branch most difficult to master without forensic habits, the accomplishments of a case-lawyer ; while his familiarity with the principles of jurisprudence and his knowledge of their foundations were ample as his application of them was easy and masterly. The Rolls Court, however, in those days, was one of comparatively contracted business ; and, although he gave the most entire satisfaction there, and in presiding at the Privy Council in Prize and Plantation Appeals, a doubt was always raised by the admirers of Lord Eldon, whether Sir William Grant could have as well answered the larger demands upon his judicial resources, had he presided in the Court of Chancery. That doubt appears altogether unfounded. He possessed the first great quality for dispatching business (the “ *real* ” and not “ *affected dispatch* ” of Lord Bacon), a power of steadily fixing his attention upon the matter before him, and keeping it invariably directed towards the successive arguments addressed to him. The certainty that not a word was lost deprived the advocate of all excuse for repetition ; while the respect which his judge inspired checked needless prolixity, and deterred him from raising desperate

points merely to have them frowned down by a tribunal as severe as it was patient. He had not indeed to apprehend any interruption—that was a course never practised in those days at the Rolls or the Cockpit; but while the judge sat passive and unmoved, it was plain that though his powers of endurance had no limits, his powers of discriminating were ever active as his attention was ever awake: and as it required an eminent hardihood to place base coin before so scrutinizing an eye, or tender light money to be weighed in such accurate scales as Sir William Grant's; so few men ventured to exercise a patience which yet all knew to be unbounded. It may, indeed, be fairly doubted whether the main force of muscular exertion, so much more clumsily applied by Sir John Leach in the same court to effect the great object of his efforts—the close compression of the debate—ever succeeded so well, or reduced the mass to as small a bulk as the delicate hydraulic press of his illustrious predecessor did, without giving the least pain to the advocate, or in any one instance obstructing the course of calm, deliberate, and unwearied justice.

The court in those days presented a spectacle which afforded true delight to every person of sound judgment and pure taste. After a long and silent hearing—a hearing of all that could be urged by the counsel of every party—unbroken by a

single word, and when the spectator of Sir William Grant (for he was not heard) might suppose that his mind had been absent from a scene in which he took no apparent share, the debate was closed—the advocate's hour was passed—the parties were in silent expectation of the event—the hall no longer resounded with any voice—it seemed as if the affair of the day, for the present, was over, and the Court was to adjourn or to call for another cause. No ! The judge's time had now arrived, and another artist was to fill the scene. The great Magistrate began to pronounce his judgment, and every eye and every ear was at length fixed upon the bench. Forth came a strain of clear unbroken fluency, disposing alike, in most luminous order, of all the facts and of all the arguments in the cause ; reducing into clear and simple arrangement the most entangled masses of broken and conflicting statement ; weighing each matter, and disposing of each in succession ; settling one doubt by a parenthetical remark ; passing over another difficulty by a reason only more decisive that it was condensed ; and giving out the whole impression of the case, in every material view, upon the judge's mind, with argument enough to show why he so thought, and to prove him right, and without so much reasoning as to make you forget that it was a judgment you were hearing, by overstepping the bounds which distinguish a Judgment from a Speech. This is



the perfection of Judicial Eloquence ; not avoiding argument, but confining it to such reasoning as beseems him who has rather to explain the grounds of his own conviction, than to labour at convincing others ; not rejecting reference to authority, but never betokening a disposition to seek shelter behind other men's names, for what he might fear to pronounce in his own person ; not disdaining even ornaments, but those of the more chastened graces that accord with the severe standard of a judge's oratory. This perfection of judicial eloquence Sir William Grant attained, and its effect upon all listeners was as certain and as powerful as its merits were incontestable and exalted.

In parliament he is unquestionably to be classed with speakers of the first order. His style was peculiar ; it was that of the closest and severest reasoning ever heard in any popular assembly : reasoning which would have been reckoned close in the argumentation of the bar or the dialectics of the schools. It was, from the first to the last, throughout, pure reason and the triumph of pure reason. All was sterling, all perfectly plain ; there was no point in the diction, no illustration in the topics, no ornament of fancy in the accompaniments. The language was choice—perfectly clear, abundantly correct, quite concise, admirably suited to the matter which the words clothed and conveyed. In so far it was felicitous, no farther ; nor did it

ever leave behind it any impression of the diction, but only of the things said; the words were forgotten, for they had never drawn off the attention for a moment from the things; those things were alone remembered. No speaker was more easily listened to; none so difficult to answer. Once Mr. Fox, when he was hearing him with a view to making that attempt, was irritated in a way very unwonted to his sweet temper by the conversation of some near him, even to the show of some crossness, and (after an exclamation) sharply said, "Do you think it so very pleasant a thing to have to answer a speech like THAT?" The two memorable occasions on which this great reasoner was observed to be most injured by a reply, were in that of Mr. Wilberforce quoting Clarendon's remarks on the conduct of the judges in the Ship Money Case, when Sir William Grant had undertaken to defend his friend Lord Melville; and in that of Lord Lansdowne (then Lord Henry Petty), three years later, when the legality of the famous Orders in Council was debated. Here, however, the speech was made on one day, and the answer, able and triumphant as it was, followed on the next.

It may safely be said that a long time will elapse before there shall arise such a light to illuminate either the Senate or the Bench, as the eminent person whose rare excellence we have just been

pausing to contemplate. That excellence was no doubt limited in its sphere ; there was no imagination, no vehemence, no declamation, no wit ; but the sphere was the highest, and in that highest sphere its place was lofty. The understanding alone was addressed by the understanding ; the faculties that distinguish our nature were those over which the oratory of Sir William Grant asserted its control. His sway over the rational and intellectual portion of mankind was that of a more powerful reason, a more vigorous intellect than theirs ; a sway which no man had cause for being ashamed of admitting, because the victory was won by superior force of argument ; a sway which the most dignified and exalted genius might hold without stooping from its highest pinnacle, and which some who might not deign to use inferior arts of persuasion could find no objection whatever to exercise.

Yet in this purely intellectual picture there remains to be noted a discrepancy, a want of keeping, something more than a shade. The commanding intellect, the close reasoner, who could overpower other men's understanding by the superior force of his own, was the slave of his own prejudices to such an extent, that he could see only the perils of revolution in any reformation of our institutions, and never conceived it possible that the monarchy could be safe, or that anarchy could be

warded off, unless all things were maintained upon the same footing on which they stood in early, unenlightened, and inexperienced ages of the world. The signal blunder, which Bacon long ago exposed, of confounding the youth with the age of the species, was never committed by any one more glaringly than by this great reasoner. He it was who first employed the well-known phrase of "the wisdom of our ancestors;" and the menaced innovation, to stop which he applied it, was the proposal of Sir Samuel Romilly to take the step of reform almost imperceptibly small, of subjecting men's real property to the payment of all their debts. Strange force of early prejudice; of prejudice suffered to warp the intellect while yet feeble and uninformed, and which owed its origin to the very error that it embodied in its conclusions, the making the errors of mankind in their ignorant and inexperienced state the guide of their conduct at their mature age, and appealing to those errors as the wisdom of past times, when they were the unripe fruit of imperfect intellectual culture!

---

## M R. B U R K E.

---

THE contrast which Lord Mansfield presented to another school of lawyers, led us to present, somewhat out of its order, the character of Sir Vicary Gibbs as representing the latter class, and from thence we were conducted, by way of contrast (by the association, as it were, of contrariety), to view the model of a perfect judge in Sir William Grant. It is time that we now return to the group of Statesmen collected round Lord North. His supporters being chiefly lawyers, we were obliged to make our incursion into Westminster Hall. When we turn to his opponents, we emerge from the learned obscurity of the black letter precincts to the more cheerful, though not less contentious, regions of political men; and the first figure which attracts the eye is the grand form of Edmund Burke.

How much soever men may differ as to the soundness of Mr. Burke's doctrines or the purity of his public conduct, there can be no hesitation in according to him a station among the most ex-

traordinary persons that have ever appeared; nor is there now any diversity of opinion as to the place which it is fit to assign him. He was a writer of the first class, and excelled in almost every kind of prose composition. Possessed of most extensive knowledge, and of the most various description; acquainted alike with what different classes of men knew, each in his own province, and with much that hardly any one ever thought of learning; he could either bring his masses of information to bear directly upon the subjects to which they severally belonged—or he could avail himself of them generally to strengthen his faculties and enlarge his views—or he could turn any portion of them to account for the purpose of illustrating his theme or enriching his diction. Hence, when he is handling any one matter, we perceive that we are conversing with a reasoner or a teacher, to whom almost every other branch of knowledge is familiar. His views range over all the cognate subjects; his reasonings are derived from principles applicable to other matters as well as the one in hand; arguments pour in from all sides, as well as those which start up under our feet, the natural growth of the path he is leading us over; while to throw light round our steps, and either explore its darker places or serve for our recreation, illustrations are fetched from a thousand quarters; and an imagination marvellously quick

to descry unthought-of resemblances pours forth the stores which a lore yet more marvellous has gathered from all ages and nations and arts and tongues. We are, in respect of the argument, reminded of Bacon's multifarious knowledge and the exuberance of his learned fancy ; while the many-lettered diction recalls to mind the first of English poets, and his immortal verse, rich with the spoils of all sciences and all times.

The kinds of composition are various, and he excels in them all, with the exception of two, the very highest, given but to few, and when given, almost always possessed alone, — fierce, nervous, overwhelming declamation, and close, rapid argument. Every other he uses easily, abundantly, and successfully. He produced but one philosophical treatise ; but no man lays down abstract principles more soundly, or better traces their application. All his works, indeed, even his controversial, are so informed with general reflection, so variegated with speculative discussion, that they wear the air of the Lyceum as well as the Academy. His narrative is excellent ; and it is impossible more luminously to expose the details of a complicated subject, to give them more animation and interest, if dry in themselves, or to make them bear, by the mere power of statement, more powerfully upon the argument. In description he can hardly be surpassed, at least for effect ; he has all the qualities

that conduce to it—ardour of purpose, sometimes rising into violence—vivid, but too luxuriant fancy—bold, frequently extravagant, conception—the faculty of shedding over mere inanimate scenery the light imparted by moral associations. He indulges in bitter invective, mingled with poignant wit, but descending often to abuse and even scurrility ; he is apt moreover to carry an attack too far, as well as to strain the application of a principle ; to slay the slain, or, dangerously for his purpose, to mingle the reader's contempt with pity.

As in the various kinds of writing, so in the different styles, he had an almost universal excellence, one only being deficient—the plain and unadorned. Not but that he could, in unfolding a doctrine or pursuing a narrative, write for a little with admirable simplicity and propriety ; only he could not sustain this self-denial ; his brilliant imagination and well-stored memory soon broke through the restraint. But in all other styles, passages without end occur of the highest order—epigram—pathos—metaphor in profusion, chequered with more didactic and sober diction. Nor are his purely figurative passages the finest even as figured writing ; he is best when the metaphor is subdued, mixed as it were with plainer matter to flavour it, and used not by itself, and for its own sake, but giving point to a more useful instrument, made of more ordinary material ; or at the most, flung off by the heat of



composition, like sparks from a working engine, not fire-works for mere display. Speaking of the authors of the 'Declaration of Right,' he calls them "those whose penetrating style has engraved in our ordinances and in our hearts the words and spirit of that immortal law." \* So, discoursing of the imitations of natural magnitude by artifice and skill—"A true artist should put a generous deceit on the spectators, and effect the noblest designs by easy methods." † "When pleasure is over we relapse into indifference, or rather we fall into a soft tranquillity, which is tinged with the agreeable colour of the former sensation." ‡—"Every age has its own manners, and its politics dependent on them; and the same attempts will not be made against a constitution fully formed and matured, that were used to destroy it in the cradle, or resist its growth during its infancy." §—"Faction will make its cries resound through the nation, as if the whole were in an uproar." || In works of a serious nature, upon the affairs of real life, as political discourses and orations, figurative style should hardly ever go beyond this. But strict and close metaphor or simile may be allowed, provided it

\* Reflections on the French Revolution.

† Sublime and Beautiful, II. § 10.

‡ Ibid. I. § 3.

§ Thoughts on the Causes of the Present Discontents.

|| Ibid.

be most sparingly used, and never deviate from the subject matter, so as to make that disappear in the ornament. "The judgment is for the greater part employed in throwing stumbling-blocks in the way of the imagination (says Mr. Burke), in dissipating the scenes of its enchantment, and in tying us down to the disagreeable yoke of our reason." \* He has here at once expressed figuratively the principle we are laying down, and illustrated our remark by the temperance of his metaphors, which, though mixed, do not offend, because they come so near mere figurative language that they may be regarded, like the last set of examples, rather as forms of expression than tropes. "A great deal of the furniture of ancient tyranny is worn to rags; the rest is entirely out of fashion," †—a most apt illustration of his important position, that we ought to be as jealous of little encroachments, now the chief sources of danger, as our ancestors were of 'Ship Money' and the 'Forest Laws.' "A species of men (speaking of one constant and baneful effect of grievances), to whom a state of order would become a sentence of obscurity, are nourished into a dangerous magnitude by the heat of intestine disturbances; and it is no wonder that, by a sort of sinister piety, they cherish, in return, those disor-

\* Discourses on Taste. '.

† Thoughts on the Causes of the Present Discontents.

ders which are the parents of all their consequence.”\* —“ We have not (he says of the English Church Establishment) relegated religion to obscure municipalities or rustic villages—No ! we will have her to exalt her mitred front in courts and parliaments.” † But if these should seem so temperate as hardly to be separate figures, the celebrated comparison of the Queen of France, though going to the verge of chaste style, hardly passes it. “ And surely, never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in—glittering like the morning star, full of life and splendour and joy.” ‡

All his writings, but especially his later ones, abound in examples of the abuse of this style, in which, unlike those we have been dwelling upon with unmixed admiration, the subject is lost sight of, and the figure usurps its place, almost as much as in Homer’s longer similes, and is oftentimes pursued not merely with extravagance and violence, but into details that offend by their coarseness, as well as their forced connexion with the matter in question. The comparison of a noble adversary to the whale, in which the grantee of the crown is

\* Thoughts on the Causes of the Present Discontents.

† Reflections on the French Revolution. ‡ Ibid.

altogether forgotten, and the fish alone remains ; of one Republican ruler to a cannibal in his den, where he paints him as having actually devoured a king and suffering from indigestion ; of another, to a retailer of dresses, in which character the nature of constitutions is forgotten in that of millinery,—are instances too well known to be further dwelt upon ; and they were the produce not of the “audacity of youth,” but of the last years of his life. It must, however, be confessed, that he was at all times somewhat apt to betray what Johnson imputes to Swift, a proneness to “revolve ideas from which other minds shrink with disgust.” At least he must be allowed to have often mistaken violence and grossness for vigour. “The anodyne draught of oblivion, thus drugged, is well calculated to preserve a galling wakefulness, and to feed the living ulcer of a corroding memory. Thus to administer the opiate potion of animosity, powdered with all the ingredients of scorn and contempt,” &c.\*—“They are not repelled, through a fastidious delicacy at the stench of their arrogance and presumption, from a medicinal attention to their mental blotches and running sores.” †—“Those bodies, which, when full of life and beauty, lay in their arms, and were their joy and comfort, when dead and putrid became but the more loathsome from

\* Reflections on the French Revolution.

† Ibid.

remembrance of former endearments.”\*—“ The vital powers, wasted in an unequal struggle, are pushed back upon themselves, and fester to gangrene, to death ; and instead of what was but just now the delight of the creation, there will be cast out in the face of the sun a bloated, putrid, noisome carcass, full of stench and poison, an offence, a horror, a lesson to the world.”† Some passages are not fit to be cited, and could not now be tolerated in either house of parliament, for the indecency of their allusions—as in the Regency debates, and the attack upon lawyers on the Impeachment Continuation. But the finest of his speeches, which we have just quoted from, though it does not go so far from propriety, falls not much within its bounds. Of Mr. Dundas he says, “ With six great chopping bastards (*Reports of Secret Committee*), each as lusty as an infant Hercules, this delicate creature blushes at the sight of his new bridegroom, assumes a virgin delicacy ; or, to use a more fit, as well as a more poetical comparison, the person so squeamish, so timid, so trembling lest the winds of heaven should visit too roughly, is expanded to broad sunshine, exposed like the sow of imperial augury, lying in the mud with all the prodigies of her fertility about her, as evidence of her delicate amour.”

\* Thoughts on the Causes of the Present Discontents.

† Speech on the Nabob of Arcot's Debts.

It is another characteristic of this great writer, that the unlimited abundance of his stores makes him profuse in their expenditure. Never content with one view of a subject, or one manner of handling it, he for the most part lavishes his whole resources upon the discussion of each point. In controversy this is emphatically the case. Indeed, nothing is more remarkable than the variety of ways in which he makes his approaches to any position he would master. After reconnoitring it with skill and boldness, if not with perfect accuracy, he manœuvres with infinite address, and arrays a most imposing force of general principles mustered from all parts, and pointed, sometimes violently enough, in one direction. He now moves on with the composed air, the even, dignified pace of the historian; and unfolds his facts in a narrative so easy, and yet so correct, that you plainly perceive he wanted only the dismissal of other pursuits to have rivalled Livy or Hume. But soon this advance is interrupted, and he stops to display his powers of description, when the boldness of his design is only matched by the brilliancy of his colouring. He then skirmishes for a space, and puts in motion all the lighter arms of wit; sometimes not unmingled with drollery, sometimes bordering upon farce. His main battery is now opened, and a tempest bursts forth, of every weapon of attack—invective, abuse, irony, sarcasm, simile

drawn out to allegory, allusion, quotation, fable, parable, anathema. The heavy artillery of powerful declamation and the conflict of close argument alone are wanting ; but of this the garrison is not always aware ; his noise is oftentimes mistaken for the thunder of true eloquence ; the number of his movements distracts, and the variety of his missiles annoys the adversary ; a panic spreads, and he carries his point, as if he had actually made a practicable breach ; nor is it discovered till after the smoke and confusion is over, that the citadel remains untouched.

Every one of Mr. Burke's works that is of any importance presents, though in different degrees, these features to the view ; from the most chaste and *témperate*, his 'Thoughts on the Discontents,' to the least faultless and severe ; his richer and more ornate as well as vehement tracts upon revolutionary politics ; his letters on the 'Regicide Peace,' and 'Defence of his Pension.' His speeches differed not at all from his pamphlets ; these are written speeches, or those are spoken dissertations, according as any one is over-studious of method and closeness in a book, or of ease and nature in an oration.

The principal defects here hinted at are a serious derogation from merit of the highest order in both kinds of composition. But in his spoken eloquence, the failure which it is known attended him

for a great part of his Parliamentary life is not to be explained by the mere absence of what alone he wanted to equal the greatest of orators. In fact, he was deficient in judgment; he regarded not the degree of interest felt by his audience in the topics which deeply occupied himself; and seldom knew when he had said enough on those which affected them as well as him. He was admirable in exposition; in truth, he delighted to give instruction both when speaking and conversing, and in this he was unrivalled. *Quis in sententiis argutior? in docendo edisserendoque subtilior?* Mr. Fox might well avow, without a compliment, that he had learnt more from him alone than from all other men and authors. But if any one thing is proved by unvarying experience of popular assemblies, it is, that an excellent dissertation makes a poor speech. The speaker is not the only person actively engaged while a great oration is pronouncing; the audience have their share; they must be excited, and for this purpose constantly appealed to as recognised persons of the drama. The didactic orator (if, as has been said of the didactic poet, this be not a contradiction in terms) has it all to himself; the hearer is merely passive; and the consequence is, he soon ceases to be a listener, and, if he can, even to be a spectator. Mr. Burke was essentially didactic, except when the violence of his invective carried him away, and then he offended the



correct taste of the House of Commons, by going beyond the occasion, and by descending to coarseness.\* When he argued, it was by unfolding large views, and seizing upon analogies too remote, and drawing distinctions “too fine for his hearers,” or, at the best, by a body of statements, lucid, certainly, and diversified with flower and fruit, and lighted up with pleasantry, but almost always in excess, and overdone in these qualities as well as in its own substance. He had little power of hard stringent reasoning, as has been already remarked; and his declamation was addressed to the head, as from the head it proceeded, learned, fanciful, ingenious, but not impassioned. Of him, as a combatant, we may say what Aristotle did of the old philosophers, when he compared them to unskilful boxers, who hit

\* The charge of coarseness, or rather of vulgarity of language, has, to the astonishment of all who knew him, and understood pure idiomatic English, been made against Mr. Windham, but only by persons unacquainted with both. To him might nearly be applied the beautiful sketch of Crassus by M. Tullius—*Quo, says he, nihil statuo fieri potuisse perfectius. Erat summa gravitas, erat cum gravitate junctus, facetiarum et urbanitatis oratorius, non scurrilis lepos. Latine loquendi accurata, et sine molestiâ diligens elegantia—in disserendo mira explicatio; cum de jure civili, cum de æquo et bono disputaretur argumentorum et similitudinum copia.* Let not the reader reject even the latter features, those certainly of an advocate; at least let him first read Mr. Windham’s Speech on the Law of Evidence, in the Duke of York’s case.

round about, and not straight forward, and fight with little effect, though they may by chance sometimes deal a hard blow—Οἷον ἐν ταῖς μάχαις οἱ ἀγυμναστοὶ ποιοῦσι. καὶ γὰρ ἐκεῖνοι περιφερούμενοι τυπτοῦσι πολλακὶς καλὰς ἀλλ’ οὐτ’ ἐκεῖνοι ἀπ’ ἐπιστήμης.—(*Metaphys.*) \*

Cicero has somewhere called Eloquence *copiose loquens sapientia*. This may be true of written, but of spoken eloquence it is a defective definition, and will, at the best, only comprehend the Demonstrative (or Epideictic) kind, which is banished, for want of an audience, from all modern assemblies of a secular description. Thus, though it well characterises Mr. Burke, yet the defects which we have pointed out were fatal to his success. Accordingly the test of eloquence, which the same master has in so picturesque a manner given, from his own constant experience, here entirely failed.—“Volo hoc oratori contingat, ut cum auditum sit

\* The Attic reader will be here reminded of the First Philippic, in which a very remarkable passage, and in part too applicable to our subject, seems to have been suggested by the passage in the text; and its great felicity both of apt comparison and of wit, should, with many other passages, have made critics pause before they denied those qualities to the chief of orators. Ὡς περ δὲ οἱ βαρβαροὶ πυκτενοῦσιν, οὕτω πολεμεῖτε φιλιππῶ: καὶ γὰρ ἐκείνων ὁ πληγῆς αἰετὸς πληγῆς ἐχεται. κὰν ἑτέρωσε παταξῇ τις, ἐκείσε εἰσιν αἱ χεῖρες. προβαλλέσθαι δ’, ἢ βλέπεῖν ἐναντίον, οὐτ’ οὐδέν, οὐτ’ ἐθέλει— which he proceeds to illustrate by the conduct held respecting the Chersonese and Thermopylæ.

eum esse dicturum, locus in subselliis occupetur, compleatur tribunal, gratiosi scribæ sint in dando et cedendo locum, corona multiplex, judex erectus ; cum surgit is, qui dicturus sit, significetur a corona silentium, deinde crebræ assensiones, multæ admirationes : risus, cum velit ; cum velit, fletus ; ut, qui hæc procul videat, etiamsi quid agatur nesciat, at placere tamen, et in scena Roscium intelligat.”

For many years, that is, between the latter part of the American war, and the speeches which he made, neither many nor long, nor in a very usual or regular style, on the French Revolution, the very reverse of all this was to be seen and lamented, as often as Mr. Burke spoke. The spectator saw no signs of Roscius being in action, but rather of the eminent Civilian so closely allied to Mr. Burke, and of whom we are hereafter to speak.\* “Videt” (as the same critic has, in another passage, almost to the letter described it) “oscitantem judicem, loquentem cum altero, nonnunquam etiam circumstantem, mittentem ad horas ; quæsitorem, ut dimittat, rogantem ; † intelligit, oratorem in ea causa non adesse, qui possit animis judicem admoveere orationem, tanquam fidibus manum.”

But it may justly be said, with the second of

\* Dr. Lawrence.

† This desire in the English senate is irregularly signified, by the cries of “Question,” there not being a proper quarter to appeal to, as in the Roman courts.

Attic orators, that sense is always more important than eloquence; and no one can doubt that enlightened men in all ages will hang over the works of Mr. Burke, and dwell with delight even upon the speeches that failed to command the attention of those to whom they were addressed. Nor is it by their rhetorical beauties that they interest us. The extraordinary depth of his detached views, the penetrating sagacity which he occasionally applies to the affairs of men and their motives, and the curious felicity of expression with which he unfolds principles, and traces resemblances and relations, are separately the gift of few, and in their union probably without any example. This must be admitted on all hands; it is possibly the last of these observations which will obtain universal assent, as it is the last we have to offer before coming upon disputed ground, where the fierce contentions of politicians cross the more quiet path of the critic.

Not content with the praise of his philosophic acuteness, which all are ready to allow, the less temperate admirers of this great writer have ascribed to him a gift of genius approaching to the power of divination, and have recognised him as in possession of a judgment so acute and so calm withal, that its decision might claim the authority of infallible decrees. His opinions upon French affairs have been viewed as always result-

ing from general principles deliberately applied to each emergency ; and they have been looked upon as forming a connected system of doctrines, by which his own sentiments and conduct were regulated, and from which after times may derive the lessons of practical wisdom.

A consideration which at once occurs, as casting suspicion upon the soundness, if not also upon the sincerity, of these encomiums, is, that they never were dreamt of until the questions arose concerning the French Revolution ; and yet, if well founded, they were due to the former principles and conduct of their object ; for it is wholly inconsistent with their tenor to admit that the doctrines so extolled were the rank and sudden growth of the heats which the changes of 1789 had generated. Their title to so much admiration and to our implicit confidence must depend upon their being the slowly matured fruit of a profound philosophy, which had investigated and compared ; pursuing the analogies of things, and tracing events to their remote origin in the principles of human nature. Yet it is certain that these reasoners (if reasoning can indeed be deemed their vocation) never discovered a single merit in Mr. Burke's opinions, or anything to praise, or even to endure, in his conduct, from his entrance into public life in 1765 to the period of that stormy confusion of all parties and all political attachments, which took place in

1791, a short time before he quitted it. They are therefore placed in a dilemma, from which it would puzzle subtler dialecticians to escape. Either they or their idol have changed; either they have received a new light, or he is a changeling god. They are either converts to a faith which, for so many years and during so many vicissitudes, they had, in their preaching and in their lives, held to be damnable; or they are believers in a heresy, lightly taken up by its author, and promulgated to suit the wholly secular purposes of some particular season.

We believe a very little examination of the facts will suffice to show that the believers have been more consistent than their oracle; and that they escape from the charge of fickleness at the expense of the authority due to the faith last proclaimed from his altar. It would, indeed, be difficult to select one leading principle or prevailing sentiment in Mr. Burke's latest writings, to which something extremely adverse may not be found in his former, we can hardly say his early works; excepting only on the subject of Parliamentary Reform, to which, with all the friends of Lord Rockingham, he was from the beginning adverse; and in favour of which he found so very hesitating and lukewarm a feeling among Mr. Fox's supporters, as hardly amounted to a difference, certainly offered no inducements to compromise the opinions of his own

party. Searching after the monuments of altered principles, we will not resort to his first works, in one of which he terms Damien “a late unfortunate regicide,” looking only at his punishment, and disregarding his offence; neither shall we look into his speeches, exceeding, as they did, the bounds which all other men, even in the heat of debate, prescribed to themselves, in speaking now of the first magistrate of the country, while labouring under a calamitous visitation of Providence—now of kings generally. But we may fairly take as the standard of his opinions, best weighed and most deliberately pronounced, the calmest of all his productions, and the most fully considered,—given to the world when he had long passed the middle age of life, had filled a high station, and been for years eminent in parliamentary history.\* Although, in compositions of this kind, more depends upon the general tone of a work than on particular passages, because the temper of mind on certain points may be better gathered from that, than from any expressly stated propositions, yet we have but to open the book to see that his *Thoughts* in 1770 were very different from those which breathe through every page of his *Anti-Jacobin* writings. And first of the *Corinthian Capital* of 1790—“I am no

\* The *Thoughts on the Causes of the Present Discontents* was published in 1770—when Mr. Burke was above forty years old.

friend" (says he in 1770) "to aristocracy, in the sense at least in which that word is usually understood. If it were not a bad habit to moot cases on the supposed ruin of the constitution, I should be free to declare, that if it must perish, I would rather by far see it resolved into any other form, than lost in that austere and insolent domination." (*Works*, II. 246.) His comfort is derived from the consideration, "that the generality of peers are but too apt to fall into an oblivion of their proper dignity, and run headlong into an abject servitude." Next of "the Swinish Multitude"—"When popular discontents have been very prevalent, it may well be affirmed and supported that there has been generally something found amiss in the constitution or in the conduct of government. The people have no interest in disorder. When they do wrong, it is their error, not their crime. But with the governing part of the state it is far otherwise;" and he quotes the saying of Sully: "Pour la populace, ce n'est jamais par envie d'attaquer qu'elle se soulève, mais par impatience de souffrir." (*Ib.* 224.) Again, of the people as "having nothing to do with the laws but to obey them"—"I see no other way for the preservation of a decent attention to public interest in the representatives, but *the interposition of the body of the people itself*,"\* whenever it shall appear by

\* Ital. in orig.



some flagrant and notorious act,—by some capital innovation—that these representatives are going to overleap the fences of the law, and to introduce an arbitrary power. This interposition is a most unpleasant remedy. But if it be a legal remedy, it is intended on some occasion to be used; to be used then only when it is evident that nothing else can hold the constitution to its true principles. It is not in Parliament alone that the remedy for parliamentary disorders can be completed; hardly indeed can it begin there. Until a confidence in government is re-established, the people ought to be excited to a more strict and detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties and corporations. Frequent and correct lists of the voters in all important questions ought to be procured.” (*Ib.* 324.) The reasons which called for popular interposition, and made him preach it at a season of unprecedented popular excitement, are stated to be “the immense revenue, enormous debt, and mighty establishments;” and he requires the House of Commons “to bear some stamp of the actual disposition of the people at large;” adding, that “it would be a more natural and tolerable evil, that the House should be infected with every epidemical frenzy of the people, as this would indicate some consanguinity, some sympathy

of nature with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors." Now let us step aside for a moment to remark, that the "*immense revenue*" was under 10 millions; the "*enormous debt*," 130; and the "*mighty establishments*" cost about 6 millions a-year. The statesman who, on this account, recommended popular interference in 1770, lived to see the revenue 24 millions; the debt, 350; the establishment, 30; and the ruling principle of his latter days was the all-sufficiency of Parliament and the Crown, and the fatal consequence of according to the people the slightest share of direct power in the state.

His theoretical view of the constitution in those days was as different from the high monarchical tone of his latter writings. The King was then "the representative of the people,"—"so" (he adds) "are the Lords; so are the Judges; they are all trustees for the people, as well as the Commons, because no power is given for the sole sake of the holder; and although government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people." And then comes that immortal passage so often cited, and which ought to be blazoned in letters of fire over the porch of the Commons' House; illustrating the doctrine it sets

out with, that “ their representatives are a control *for* the people, and not *upon* the people ; and that the virtue, spirit, and essence of a House of Commons consist in its being the express image of the feelings of the nation.” (*Ibid.* 288.)\* It may be superfluous to add, that one so deeply imbued with the soundest principles of a free constitution must always have regarded the Bourbon rulers with singular dislike, while he saw in the English government the natural ally of Liberty, wheresoever she was struggling with her chains. Accordingly, in the same famous work, he exclaims, “ Such was the conquest of Corsica, by the professed enemies of the freedom of mankind, in defi-

\* “ A vigilant and jealous eye over executory and judicial magistracy ; an anxious care of public money ; an openness, approaching towards facility, to public complaint ; these seem to be the true characteristics of a House of Commons. But an addressing House of Commons and a petitioning nation ; a House of Commons full of confidence, when the nation is plunged in despair ; in the utmost harmony with ministers whom the people regard with the utmost abhorrence ; who vote thanks, when the public opinion calls upon them for impeachments ; who are eager to grant, when the general voice demands account ; who in all disputes between the people and the administration pronounce against the people ; who punish their disorders, but refuse even to inquire into the provocations to them ; this is an unnatural, a monstrous state of things in the constitution. Such an assembly may be a great, wise, awful senate ; but it is not to any popular purpose a House of Commons.”—(*Ib.* 289.)

ance of those who were formerly its professed defenders." (*Ibid.* 272.)

Although it cannot be denied that a considerable portion of the deference which Mr. Burke's later and more celebrated opinions are entitled to command is thus taken away, and, as it were, shared by the conflicting authority of his earlier sentiments, his disciples may, nevertheless, be willing to rest his claims to a reverent, if not an implicit observance upon the last, as the maturest efforts of his genius. Now, it appears evident that, in this extraordinary person, the usual progress of the faculties in growth and decline was in some measure reversed; his fancy became more vivid,—it burnt, as it were, brighter before its extinction; while age, which had only increased that light, lessened the power of profiting from it, by weakening the judgment as the imagination gained luxuriance and strength. Thus, his old age resembled that of other men in one particular only; he was more haunted by fears, and more easily became the dupe of imposture as well as alarm.

It is quite vain now to deny that the unfavourable decision which those feelings led him to form of the French Revolution was, in the main, incorrect and exaggerated. That he was right in expecting much confusion and mischief from the passions of a whole nation let loose, and influenced only by the various mobs of its capital, literary and

political, in the assemblies, the club-rooms, the theatres, and the streets, no one can doubt; and his apprehensions were certainly not shared by the body of his party. But beyond this very scanty and not very difficult portion of his predictions, it would be hard to show any signal instance of their fulfilment. Except in lamenting the excesses of the times of terror, and in admitting them to form a large deduction from the estimate of the benefits of the Revolution, it would be no easy matter to point out a single opinion of his which any rational and moderate man of the present day will avow. Those who claim for Mr. Burke's doctrines in 1790 the praise of a sagacity and foresight hardly human, would do well to recollect his speech on the Army Estimates of that year. It is published by himself, corrected,\* and its drift is to show the uselessness of a large force, because "France must now be considered as expunged out of the system of Europe;" it expresses much doubt if she can ever resume her station "as a leading power;" anticipates the language of the rising generation—*Gallos quoque in bellis floruisse audivimus*; and decides that, at all events, her restoration to anything like a substantive existence must, under a republic, be the work of much time. Scarce two years elapsed before this same France, without any change whatever in her situation, except the increase of the anarchy

\* Works, vol. v. p. 1.

that had expunged her from the map, declared war on Austria, and in a few months more carried her conquests so much farther than Louis XIV. had done, when the firmness and judgment of King William opposed him, that Mr. Burke now said a universal league was necessary to avert her universal dominion, and that it was a question whether she would suffer any one throne to stand in Europe. The same eulogists of Mr. Burke's sagacity would also do well to recollect those yearly predictions of the complete internal ruin which for so long a period alternated with alarms at the foreign aggrandisement of the Republic; they all originated in his famous work—though it contains some prophecies too extravagant to be borrowed by his most servile imitators. Thus he contends that the population of France is irreparably diminished by the Revolution, and actually adopts a calculation which makes the distress of Paris require above two millions sterling for its yearly relief; a sum sufficient to pay each family above seventeen pounds, or to defray its whole expenditure in that country.

But on these grounds a further allowance is made, and a new deduction introduced, from the sum total of the deference paid to his authority. It is said that the sagacity and penetration which we are bid to reverence were never at fault, unless on points where strong feelings interfered. The proposition must be admitted, and without any qualification.

But it leads not to an abatement merely—it operates a release of the whole debt of deference and respect. For one clever man's opinion is just as good as another's, if both are equally uninfluenced by passions and feelings of every kind. Nor must it be forgotten that on another subject as well as the French Revolution Mr. Burke's prejudices warped his judgment. When strongly interested he was apt to regard things in false colours and distorted shape. The fate of society for many years hung upon Hastings's Impeachment; during that period he exhausted as much vituperation upon the East Indians in this country as he afterwards did on the Jacobins; and he was not more ready to quarrel with Mr. Fox on a difference of opinion about France, than he had been a year before to attack Mr. Erskine with every weapon of personal and professional abuse, upon a slighter difference about the Abating of the Impeachment. Nay, after the Hastings question might have been supposed forgotten, or merged in the more recent controversy on French affairs, he deliberately enumerates among the causes of alarm at French principles, the prevalence of the East India interest in England; ranks "Nabobs" with the Diplomatic Body all over Europe, as naturally and incurably Jacobin; and warns this country loudly and solemnly against suffering itself to be overthrown by a "Bengal junto."

The like infirmity of a judgment, weakened, no doubt, by his temper, pursued him in his later years through the whole details of the question that excited him most, when France was the master topic. He is blinded to the impressions on his very senses, not by the 'light shining inward,' but by the heat of his passions. He sees not what all other men behold, but what he wishes to see, or what his prejudices and fantasies suggest; and having once pronounced a dogma, the most astounding contradictions that events can give him assail his mind, and even his senses, in vain. Early in 1790 he pronounced France extinguished, as regarded her external force; but at the end of 1793, when the second attempt to invade her had ended in the utter discomfiture of the assailants, when she was rioting in the successes of an offensive war, and had armed her whole people to threaten the liberties of Europe, he still sees in her situation nothing but "complete ruin, without the chance of resurrection," and still reckons that, when she recovers her nominal existence by a restoration of the monarchy, "it will be as much as all her neighbours can do, by a steady guarantee, to keep her upon her basis."\* (Works, VII. 185.) That he should confound all persons, as well as things, in his extravagant speculations, surprises less than such delusions as this. We are

\* She had at that time 750,000 men under arms, without calling out the second conscription.



little astonished at finding him repeatedly class the humane and chivalrous La Fayette with the monster Robespierre; but when we find him pursuing his theory, that all Atheists are Jacobins, so far as to charge Hume with being a leveller, and pressing the converse of the proposition so far as to insinuate that Priestley was an Atheist, we pause incredulous over the sad devastation which a disordered fancy can make in the finest understanding. (vii. 58.)

That the warlike policy which he recommended against France was more consistent than the course pursued by the ministry, may be admitted. The weak and ruinous plan of leaving the enemy to conquer all Europe, while we wasted our blood and our treasure in taking Sugar Islands, to increase the African slave-trade, and mow down whole armies by pestilence, has been oftentimes painted in strong colours, never stronger than the truth; and our arms only were successful when this wretched system was abandoned. But if Mr. Burke faintly and darkly arraigned this plan of operations, it was on grounds so purely fanciful, and he dashed the truth with such a mixture of manifest error, that he unavoidably both prevented his counsels from being respected, and subjected his own policy to imputations full as serious as those he brought against the government. He highly approved of the Emigration, because France was no longer in, but out of,

France; he insisted on an invasion, for the avowed purpose of restoring monarchy and punishing its enemies; he required the advanced guard of the attacking army to be composed of the bands of French gentlemen, emigrants, and to be accompanied by the exiled priests; and, in order to make the movement more popular, they were to be preceded by the proclamation of solemn leagues among the allies, never to treat with a republic that had slain its king, and formal announcements that they entered the country to punish as well as to restore.

Mr. Burke lived not to see the power of the revolutionary government extend itself resistless in the direction he had pronounced impossible, or prove harmless in the only way he deemed it formidable. The downfall of that government he lived not to see thrice accomplished, without one of his plans being followed. Yet let us not doubt his opinions upon the restoration of his favourite dynasty, had he survived its exile. With all his bright genius and solid learning, his venerable name would have been found at the head, or rather say in advance, of the most universally and most justly contemned faction in the world. The "Ultras" would have owned him for their leader, and would have admitted that he went beyond them in the uncompromising consistency of his extravagant dogmas. He who had deemed the kind of punishments that should be meted out, the most important

point to settle previously, and had thought it necessary, in many a long and laboured page, to discuss this when the prospects of the Bourbons were desperate (vii. 187), and to guard them by all arguments against listening to plans of amnesty, would have objected vehemently to every one act of the restored government; regarded the *charter* as an act of abdication; the security of property as robbery and sacrilege; the impunity of the Jacobins, as making the monarch an accessory after the fact to his brother's murder; and what all men of sound minds regarded as a state of great improvement, blessing the country with much happiness, freeing it from many abuses, and giving it precious hopes of liberty, he would have pronounced the height of misery and degradation. If such had not proved to be his views, living in our times, he must have changed all the opinions which he professed up to the hour of his death.

Upon one subject alone could he have been found ranged with the Liberal party of the present day; he always, from a very early period, and before sound principles were disseminated on questions of political economy, held the most enlightened opinions on all subjects of mercantile policy; and these sound opinions he retained to the last: here his mind seemed warped by no bias, and his profound understanding and habits of observation kept him right. His works abound with just and original

reflections upon these matters, and they form a striking contrast to the narrow views which, in his latter years, he was prone to take of all that touched the interests and the improvement of mankind. For his whole habits of thinking seemed perverted by the dread of change; and he never reflected, except in the single case of the Irish Catholics, that the surest way of bringing about a violent revolution is to resist a peaceful reform.

As he dreaded all plans of amendment which sought to work by perceivable agency and within a moderate compass of time, so he distrusted all who patronised them—asserting their conduct to be wild and visionary enthusiasm at the best, but generally imputing their zeal to some sinister motives of personal interest: most unjustly—most unphilosophically—most unthinkingly. It is the natural tendency of men connected with the upper ranks of society, and separated from the mass of the community, to undervalue things which only affect the rights or the interests of the people. Against this leaning to which he had yielded, it becomes them to struggle, and their honest devotion to the cause of peaceable improvement, their virtuous labours bestowed in advancing the dignity and happiness of their fellow-creatures, their perils and their losses encountered in defence of the rights of oppressed men, are the most glorious titles to the veneration of the good and the wise; but they are titles which

he would have scornfully rejected, or covered with the tide of his indignant sarcasm, whom Providence had endowed with such rare parts, and originally imbued with such love of liberty, that he seemed especially raised up as an instrument for instructing and mending his kind.

Of Mr. Burke's genius as a writer and an orator, we have now spoken at great, though not needless length; and it would not have been necessary to dwell longer on the subject, but for a sketch of a very different kind, drawn by another hand, from which a more accurate resemblance might have been expected. That Mr. Burke, with extraordinary powers of mind, cultivated to a wonderful degree, was a person of eccentric nature; that he was one mixture of incongruous extremes; that his opinions were always found to be on the outermost verge of those which could be held upon any question; that he was wholly wild and impracticable in his views; that he knew not what moderation or modification was in any doctrine which he advanced; but was utterly extravagant in whatever judgment he formed, and whatever sentiment he expressed;—such was the representation to which we have alluded, and which, considering the distinguished quarter it proceeded from,\* seems to justify some further remark; the rather, because we have already admitted the faults to exist in one

\* Lord Melbourne in the House of Lords, July, 1838.

portion of his opinions, which are now attempted to be affirmed respecting the whole. Without being followers of Mr. Burke's political principles, or indiscriminate admirers of his course as a statesman—the capacity in which he the least shone, especially during the few latter and broken years of his illustrious, chequered, and care-worn life—we may yet affirm that, with the exception of his writings upon the French Revolution—an exception itself to be qualified and restricted—it would be difficult to find any statesman of any age whose opinions were more habitually marked by moderation; by a constant regard to the results of actual experience, as well as the dictates of an enlarged reason; by a fixed determination always to be practical, at the time he was giving scope to the most extensive general views; by a cautious and prudent abstinence from all extremes, and especially from those towards which the general complexion of his political principles tending, he felt the more necessity for being on his guard against the seduction.

This was the distinguishing feature of his policy through life. A brilliant fancy and rich learning did not more characterise his discourse, than this moderation did his counsels. Imagination did not more inspire or deep reflection inform his eloquence, than a wise spirit of compromise between theory and practice—between all opposing extremes—governed his choice of measures. This

was by the extremes of both parties, but more especially of his own, greatly complained of: they could not always comprehend it, and they could never relish it, because their own understanding and information reached it not; and the selfish views of their meaner nature were thwarted by it. In his speeches, by the length at which he dwelt on topics, and the vehemence of his expressions, he was often deficient in judgment. But in the formation of his opinions no such defect could be perceived; he well and warily propounded all practical considerations; and although he viewed many subjects in different lights at the earlier and the later periods of his time, and is thus often quoted for opposite purposes by reasoners on different sides of the great political controversy, he himself never indulged in wild or thoughtless extremes. He brought this spirit of moderation into public affairs with him; and, if we except the very end of his life when he had ceased to live much in public, it stuck by him to the last. "I pitched my Whiggism low," said he, "that I might keep by it." With his own followers his influence was supreme; and over such men as Dr. Lawrence, Mr. W. Elliott, and the late Lord Minto, to say nothing of the Ellises, the Freres, and the Cannings, no man of immoderate and extreme opinions ever could have retained this sway. Mr. Wilberforce compares their deference for him with the treatment of Ahi-

tophel: "It was as if one meant to inquire of the oracle of the Lord."\* Hear again the words of one who knew him well, for he had studied him much, and had been engaged in strenuous controversy against him. Speaking of the effects produced by his strong opinions respecting French affairs, Sir James Mackintosh as justly as profoundly observed to Mr. Horner—"So great is the effect of a single inconsistency with the whole course of a long and wise political life, that the *greatest philosopher in practice* whom the world ever saw, passes with the superficial vulgar for a hot-brained enthusiast." Sir James Mackintosh never dreamt that all the temperate wisdom of the orations upon American affairs—all the profound and practical discretion which breathes over each page of the discussion upon the "Present Discontents"—all the truly enlarged principles of retrenchment, but tempered with the soundest and most rational views of each proposition's bearing upon the whole frame of our complicated government, which have made the celebrated speech upon "Economical Reform" the manual of every moderate and constitutional reformer—all the careful regard for facts, as well as abstract principles, the nice weighing of opposite arguments, the acute perception of practical consequences, which presided over his whole opinions upon commercial policy, especially

\* Life of Wilberforce, vol. ii. p. 211.



on the questions connected with Scarcity and the Corn Laws—all the mingled firmness, humanity, soundness of practical judgment, and enlargement of speculative views, which governed his opinions upon the execution of the Criminal Law—all the spirit of reform and toleration, tempered with cautious circumspection of surrounding connexions and provident foresight of possible consequences, which marked and moved his wise and liberal advice upon the affairs of the Irish hierarchy—that all would have been forgotten in the perusal of a few violent invectives or exaggerated sentiments called forth by the horrors of the French Revolution; which, as his unrivalled sagacity had foreseen them, when the rest of his party, intoxicated with the victory over despotism, could not even look towards any consequences at all; so he not very unnaturally regarded as the end and consummation of that mighty event,—mistaking the turbulence by which the tempest and the flood were to clear the stream, for the perennial defilement of its waters.

Nor, though we have shown the repugnance of his earlier to his later opinions, must it after all be set down to the account of a heated imagination and an unsound judgment, that even upon the French Revolution he betrayed so much violence in his language, and carried his opinions to a length which all men now deem extravagant; or that he

at one time was so misled by the appearances of the hour as to dread the effacing of France from the map of Europe. We are now filling the safe and easy chair of him who judges after the event, and appeals to things as certainly known, which the veil of futurity concealed from them that went before. Every one must allow that the change which shook France to her centre and fixed the gaze of mankind was an event of prodigious magnitude; and that he who was called to form an opinion upon its import, and to foretell its consequences, and to shape his counsels upon the conduct to be pursued regarding it, was placed in circumstances wholly new, and had to grope his way without any light whatever from the experience of past times. Mr. Burke could only see mischief in it, view it on whatever side or from whatever point he would; and he regarded the consequences as pregnant with danger to all other countries, as well as to the one which he saw laid waste or about to be devastated by its progress. That for a time he saw right, no one now can affect to deny. When all else in this country could foresee nothing but good to France, from the great improvement so suddenly wrought in her institutions, he plainly told them that what they were pleased with viewing as the lambent flame of a fire-work was the glare of a volcanic explosion which would cover France and Europe with the

ruins of all their institutions, and fill the air with Cimmerian darkness, through the confusion of which neither the useful light of day nor the cheering prospect of heaven could be descried. The suddenness of the improvement which delighted all else, to his sagacious and far-sighted eye, aided doubtless by the reflecting glass of past experience and strengthened by the wisdom of other days in which it had been steeped, presented the very cause of distrust, and foreboding, and alarm. It was *because* his habit of mind was cautious and calculating,—not easily led away by a fair outside, not apt to run into extremes, given to sober reflection, and fond of correcting, by practical views and by the lessons of actual observation, the plausible suggestions of theory,—that he beheld, with doubt and apprehension, Governments pulled down and set up in a day—Constitutions, the slow work of centuries, taken to pieces and reconstructed like an eight-day clock. He is not without materials, were he to retort the charge of easily running into extremes and knowing not where to stop, upon those who were instantly fascinated with the work of 1789, and could not look forward to the consequences of letting loose four-and-twenty millions of people from the control under which ages of submission to arbitrary rule and total disuse of civil rights had kept them. *They* are assuredly without the means of demon-

strating *his* want of reflection and foresight. For nearly the whole period during which he survived the commencement of the Revolution—for five of those seven years—all his predictions, save one momentary expression, had been more than fulfilled: anarchy and bloodshed had borne sway in France; conquest and convulsion had desolated Europe; and even when he closed his eyes upon earthly prospects, he left this portentous meteor “with fear of change perplexing monarchs.” The providence of mortals is not often able to penetrate so far as this into futurity. Nor can he whose mind was filled with such well-grounded alarms be justly impeached of violence, and held up as unsoundly given to extremes of opinion, if he betrayed an invincible repugnance to sudden revolutions in the system of policy by which nations are governed, and an earnest desire to see the restoration of the old state of things in France, as the harbinger of repose for the rest of the world.

That Mr. Burke did, however, err, and err widely, in the estimate which he formed of the merits of a Restored Government, no one now can doubt. His mistake was in comparing the old *régime* with the anarchy of the Revolution; to which not only the monarchy of France, but the despotism of Turkey was preferable. He never could get rid of the belief that because the change had been effected with a violence which pro-

duced, and inevitably produced, the consequences foreseen by himself, and by him alone, therefore the tree so planted must for ever prove incapable of bearing good fruit. He forgot that after the violence, in its nature temporary, should subside, it might be both quite impossible to restore the old monarchy, and very possible to form a new and orderly and profitable government upon the ruins of the Republic. Above all, he had seen so much present mischief wrought to France during the convulsive struggle which was not over before his death, that he could not persuade himself of any possible good arising to her from the mighty change she had undergone. All this we now see clearly enough ; having survived Mr. Burke nearly fifty years, and witnessed events which the hardiest dealers in prophecies assuredly could never have ventured to foretell. But we who were so blind to the early consequences of the Revolution, and who really did suffer ourselves to be carried away by extreme opinions, deaf to all Mr. Burke's warnings ; we surely have little right to charge him with blind violence, unreflecting devotion to his fancy, and a disposition to run into extremes. At one time they who opposed his views were by many, perhaps by the majority of men, accused of this propensity. After the events in France had begun to affright the people of this country, when Mr. Burke's opinions were found to have been well grounded, the friends

of liberty would not give up their fond belief that all must soon come right. At that time we find Dean Milner writing to Mr. Wilberforce from Cambridge, that "Mr. Fox's old friends there all gave him up, and most of them said he was mad."\*

In the imperfect estimate of this great man's character and genius which we have now concluded, let it not be thought that we have made any very large exceptions to the praise unquestionably his due. We have only abated claims preferred by his unheeding worshippers to more than mortal endowments—worshippers who with the true fanatical spirit adore their idol the more, as he proves the more unsafe guide; and who chiefly valued his peculiarities when he happened to err on the great question that filled the latter years of his life. Enough will remain to command our admiration, after it shall be admitted that he who possessed the finest fancy and the rarest knowledge

\* *Life of Wilberforce*, ii. p. 3.—This was written early in the year 1793, when most men thought Mr. Burke both moderate and right. "There is scarce one of his (Mr. Fox's) old friends here at Cambridge who is not disposed to give him up, and most say he is mad. I think of him much as I always did; I still doubt whether he has bad principles, but I think it pretty plain he has none; and I suppose he is ready for whatever turns up." See, too, Lord Wellesley's justly celebrated speech, two years later, on French affairs. It is re-published in Mr. Martin's edition of that great statesman's Despatches.

did not equally excel other men in retaining his sound and calm judgment at a season of peculiar emergency ; enough to excite our wonder at the degree in which he was gifted with most parts of genius, though our credulity be not staggered by the assertion of a miraculous union of them all. We have been contemplating a great marvel certainly, not gazing on a supernatural sight ; and we retire from it with the belief, that if acuteness, learning, imagination, so unmeasured, were never before combined, yet have there been occasionally witnessed in eminent men greater powers of close reasoning and fervid declamation, oftentimes a more correct taste, and, on the question to which his mind was last and most earnestly applied, a safer judgment.

---

## M R. F O X.

---

THE glory of Mr. Burke's career certainly was the American war, during which he led the Opposition in the House of Commons ; until, having formed a successor more renowned than himself, he was succeeded rather than superseded in the command of that victorious band of the champions of freedom. This disciple, as he was proud to acknowledge himself, was Charles James Fox, one of the greatest statesmen, and if not the greatest orator, certainly the most accomplished debater, that ever appeared upon the theatre of public affairs in any age of the world. To the profuse, the various learning of his master ; to his exuberant fancy, to his profound and mature philosophy, he had no pretensions. His knowledge was confined to the ordinary accomplishments of an English education—intimate acquaintance with the classics ; the exquisite taste which that familiarity bestows ; and a sufficient knowledge of history. These stores he afterwards increased rather than diminished ; for he continued to delight in classical reading ; and added a minute and profound



knowledge of modern languages, with a deep and accurate study of our own history and the history of other modern states; insomuch that it may be questioned if any politician in any age ever knew so thoroughly the various interests and the exact position of all the countries with which his own had dealings to conduct or relations to maintain. Beyond these solid foundations of oratory and ample stores of political information his range did not extend. Of natural science, of metaphysical philosophy, of political economy, he had not even the rudiments; and he was apt to treat those matters with the neglect, if not the contempt, which ignorance can rather account for than excuse. He had come far too early into public life to be well grounded in a statesman's philosophy; like his great rival, and indeed like most aristocratic politicians, who were described as "rocked and dandled into legislators" by one,\* himself exempt from this defective education; and his becoming a warm partisan at the same early age, also laid the foundation of another defect, the making party principle the only rule of conduct, and viewing every truth of political science through this distorting and discolouring medium.

But if such were the defects of his education, the mighty powers of his nature often overcame them, always threw them into the shade. A preternatu-

\* Mr. Burke.

ral quickness of apprehension, which enabled him to see at a glance what cost other minds the labour of an investigation, made all attainments of an ordinary kind so easy, that it perhaps disinclined him to those which not even his acuteness and strength of mind could master without the pain of study. But he was sure as well as quick; and where the heat of passion, or the prejudice of party, or certain little peculiarities of a personal kind—certain mental idiosyncrasies in which he indulged, and which produced capricious fancies or crotchets—left his faculties unclouded and unstunted, no man's judgment was more sound or could more safely be trusted. Then his feelings were warm and kindly; his temper was sweet though vehement; like that of all the Fox family, his nature was generous, open, manly; above everything like dissimulation or duplicity; governed by the impulses of a great and benevolent soul. This virtue, so much beyond all intellectual graces, yet bestowed its accustomed influence upon the faculties of his understanding, and gave them a reach of enlargement to which meaner natures are ever strangers. It was not more certain that such a mind as his should be friendly to religious toleration, eager for the assertion of civil liberty, the uncompromising enemy of craft and cruelty in all their forms,—from the corruption of the Treasury and the severity of the penal code, up to the oppression of our American

colonies and the African slave-traffic,—than that it should be enlarged and strengthened, made powerful in its grasp and consistent in its purpose, by the same admirable and amiable qualities which bent it always towards the right pursuit.

The great intellectual gifts of Mr. Fox, the robust structure of his faculties, naturally governed his oratory, made him singularly affect argument, and led him to a close grappling with every subject; despising all flights of imagination, and shunning everything collateral or discursive. This turn of mind, too, made him always careless of ornament, often negligent of accurate diction. There never was a greater mistake, as has already been remarked,\* than the fancying a close resemblance between his eloquence and that of Demosthenes; although an excellent judge (Sir James Mackintosh) fell into it, when he pronounced him “the most Demosthenean speaker since Demosthenes.” That he resembled his immortal predecessor in despising all useless ornament, and all declamation for declamation’s sake, is true enough; but it applies to every good speaker as well as to those two signal ornaments of ancient and modern rhetoric. That he resembled him in keeping more close to the subject in hand, than many good and even great speakers have often done, may also be affirmed; yet this is far too vague and remote a likeness to

\* Lord Chatham.

justify the proposition in question ; and it is only a difference in degree, and not a specific distinction between him and others. That his eloquence was fervid, rapid, copious, carrying along with it the minds of the audience, not suffering them to dwell upon the speaker or the speech, but engrossing their whole attention, and keeping it fixed on the question, is equally certain ; and is the only real resemblance which the comparison affords. But then the points of difference are as numerous as they are important, and they strike indeed upon the most cursory glance. The one was full of repetitions, recurring again and again to the same topic, nay, to the same view of it, till he had made his impression complete ; the other never came back upon a ground which he had utterly wasted and withered up by the tide of fire he had rolled over it. The one dwelt at length, and with many words, on his topics ; the other performed the whole at a blow, sometimes with a word, always with the smallest number of words possible. The one frequently was digressive, even narrative and copious in illustration ; in the other no deviation from his course was ever to be perceived ; no disporting on the borders of his way, more than any lingering upon it ; but carried rapidly forward, and without swerving to the right or to the left, like the engines flying along a railway, and like them driving everything out of sight that obstructed his resistless course.

In diction as well as in thought the contrast was alike remarkable. It is singular that any one should have thought of likening Mr. Fox to the orator of whom the great Roman critic, comparing him with Cicero, has said so well and so judiciously—*In illo plus curæ, in hoc plus naturæ*. The Greek was, of all speakers, the one who most carefully prepared each sentence; showing himself as sedulous in the collocation of his words as in the selection. His composition, accordingly, is a model of the most artificial workmanship; yet of an art so happy in its results that itself is wholly concealed. The Englishman was negligent, careless, slovenly beyond most speakers; even his most brilliant passages were the inspirations of the moment; and he frequently spoke for half an hour at a time, sometimes delivered whole speeches, without being fluent for five minutes, or, excepting in a few sound and sensible remarks which were interspersed, rewarding the hearer with a single redeeming passage. Indeed, to the last, he never possessed, unless when much animated, any great fluency; and probably despised it, as he well might, if he only regarded its effects in making men neglect more essential qualities,—when the curse of being *fluent speakers*, and nothing else, has fallen on them and on their audience. Nevertheless, that fluency—the being able easily to express his thoughts in correct words—is as essential to a speaker as drawing to a painter.

This we cannot doubt, any more than we can refuse our assent to the proposition, that though merely giving pleasure is no part of an orator's duty, yet he has no vocation to give his audience pain:—which any one must feel who listens to a speaker delivering himself with difficulty and hesitation.

The practice of composition seems never to have been familiar to Mr. Fox. His speeches show this ; perhaps his writings still more ; because there, the animation of the momentary excitement which often carried him on in speaking had little or no play. One of his worst speeches, if not his worst, is that upon Francis, Duke of Bedford ; and it is known to be almost the only one he had ever much prepared, and the only one he ever corrected for the press. His 'History,' too, shows the same want of expertness in composition. The style is pure and correct, but cold and lifeless : it is even somewhat abrupt and discontinuous ; so little does it flow naturally or with ease. Yet, when writing letters without any effort, no one expressed himself more happily, or with more graceful facility : and in conversation, of which he only partook when the society was small and intimate, he was a model of every excellence, whether solid or gay, plain or refined—full of information, witty and playful betimes, never ill-natured for a moment ;—above all, never afraid of an argument, as so many eminent men are wont to

be ; but, on the contrary, courting discussion on all subjects, perhaps without much regard to their relative importance ; as if reasoning were his natural element, in which his great faculties moved the most freely. An admirable judge, but himself addicted to reasoning upon general principles, the late Mr. Dumont, used to express his surprise at the love of minute discussion, of argumentation upon trifling subjects, which this great man often showed. But the cause was clear ; argument he must have ; and as his studies, except upon historical and classical points, had been extremely confined, when matters of a political or critical cast were not on the carpet, he took whatever ordinary matter came uppermost, and made it the subject of discussion. To this circumstance may be added his playful good-nature, which partook, as Mr. Gibbon observed, of the simplicity of a child ; making him little fastidious and easily interested and amused.

Having premised all these qualifications, it must now be added, that Mr. Fox's eloquence was of a kind which, to comprehend, you must have heard himself. When he got fairly into his subject, was heartily warmed with it, he poured forth words and periods of fire that smote you, and deprived you of all power to reflect and rescue yourself, while he went on to seize the faculties of the listener, and carry them captive along with him

whithersoever he might please to rush. It is ridiculous to doubt that he was a far closer reasoner, a much more argumentative speaker, than Demosthenes; as much more so as Demosthenes would perhaps have been than Fox had he lived in our times, and had to address an English House of Commons. For it is the kindred mistake of those who fancy that the Grecian's orations are long chains of ratiocination, like Sir William Grant's arguments, or Euclid's demonstrations. They are close to the point; they are full of impressive allusions; they abound in expositions of the adversary's inconsistency; they are loaded with bitter invective; they never lose sight of the subject; and they never quit hold of the hearer, by the striking appeals they make to his strongest feelings and his favourite recollections: to the heart, or to the quick and immediate sense of inconsistency, they are always addressed, and find their way thither by the shortest and surest road; but to the head, to the calm and sober judgment, as pieces of argumentation, they assuredly are not addressed. But Mr. Fox, as he went along, and exposed absurdity, and made inconsistent arguments clash, and laid bare shuffling or hypocrisy, and showered down upon meanness, or upon cruelty, or upon oppression, a pitiless storm of the most fierce invective, was ever forging also the long, and



compacted, and massive chain of pure demonstration.

‘Εν δ’ εθετ’ ἄκμοθετῳ μέγαν ἄκμονα, κόπτει δὲ δεσμούς  
 Ἀρρήκτους, ἀλυτούς, ὅφρ’ ἐμπεδὸν ἄνθι μενοειν.

(*Od. Θ.*)

There was no weapon of argument which this great orator more happily or more frequently wielded than wit,—the wit which exposes to ridicule the absurdity or inconsistency of an adverse argument. It has been said of him, we believe by Mr. Frere,\* that he was the wittiest speaker of his times; and they were the times of Sheridan and of Windham. This was Mr. Canning’s opinion, and it was also Mr. Pitt’s. There was nothing more awful in Mr. Pitt’s sarcasm, nothing so vexatious in Mr. Canning’s light and galling raillery, as the battering and piercing wit with which Mr. Fox so often interrupted, but always supported, the heavy artillery of his argumentative declamation.

“Nonne fuit satius, tristes Amaryllidis iras,  
 Atque superba pati fastidia? Nonne, Menalcan?”

In debate he had that ready discernment of an adversary’s weakness, and the advantage to be taken of it, which is, in the war of words, what the *coup d’œil* of a practised general is in the field. He was ever best in reply: his opening speeches were almost always unsuccessful: the one in

\* See ‘Quarterly Review’ for October, 1810.

1805, upon the Catholic Question, was a great exception; and the previous meditation upon it, after having heard Lord Grenville's able opening of the same question in the House of Lords, gave him much anxiety: he felt exceedingly *nervous*, to use the common expression. It was a noble performance, instinct with sound principle; full of broad and striking views of policy; abounding in magnanimous appeals to justice; and bold assertions of right, in one passage touching and pathetic,—the description of a Catholic soldier's feelings on reviewing some field where he had shared the dangers of the fight, yet repined to think that he could never taste the glories of command. His greatest speeches were those in 1791, on the Russian armament, on Parliamentary Reform in 1797, and on the renewal of the war in 1803. The last he himself preferred to all the others; and it had the disadvantage, if it be not, however, in another sense, the advantage,\* of coming after the finest speech, excepting that on the slave-trade, ever delivered by his great antagonist. But there are passages in the earlier speeches,—particularly the fierce attack upon Lord Auckland in the Russian speech,—and the impressive and vehement summary of our failings and our misgovernment in the Reform speech,

\* To a great speaker, it is always an advantage to follow a powerful adversary. The audience is prepared for attention, nay, even feels a craving for some answer.

which it would be hard to match even in the speech of 1803. But for the inferiority of the subject, the speech upon the Westminster Scrutiny in 1784 might perhaps be justly placed at the head of them all. The surpassing interest of the question to the speaker himself; the thorough knowledge of all its details possessed by his audience, which made it sufficient to allude to matters and not to state them;\* the undeniably strong grounds of attack which he had against his adversary; all conspire to make this great oration as animated and energetic throughout, as it is perfectly felicitous both in the choice of topics and the handling of them. A fortunate cry of "*Order*," which he early raised in the very exordium, by affirming that "far from expecting any indulgence, he could scarcely hope for bare justice from the House," gave him occasion for dwelling on this topic, and pressing it home with additional illustration; till the redoubled blows and repeated bursts of extemporaneous declamation almost overpowered the audience, while they wholly bore down all further interruption. A similar effect is said to have been produced by Mr. (now Lord) Plunket, in the Irish House of Commons, upon some one calling

\* This is one main cause of the conciseness and rapidity of the Greek orations; they were all on a few simple topics thoroughly known to the whole audience. Much of their difficulty comes also from this source.

out to take down his words. “Stop,” said this consummate orator, “and you shall have something more to take down ;” and then followed, in a torrent, the most vehement and indignant description of the wrongs which his country had sustained, and had still to endure.

In most of the external qualities of oratory, Mr. Fox was certainly deficient, being of an unwieldy person, without any grace of action, with a voice of little compass, and which, when pressed in the vehemence of his speech, became shrill almost to a cry or squeak ; yet all this was absolutely forgotten in the moment when the torrent began to pour. Some of the undertones of his voice were peculiarly sweet ; and there was even in the shrill and piercing sounds which he uttered when at the more exalted pitch, a power that thrilled the heart of the hearer. His pronunciation of our language was singularly beautiful, and his use of it pure and chaste to severity. As he rejected, from the correctness of his taste, all vicious ornaments, and was most sparing, indeed, in the use of figures at all ; so, in his choice of words, he justly shunned foreign idiom, or words borrowed, whether from the ancient or modern languages ; and affected the pure Saxon tongue, the resources of which are unknown to so many who use it, both in writing and in speaking.

If from the orator we turn to the man, we shall

find much more to blame and to lament, whether his private character be regarded or his public ; but for the defects of the former, there are excuses to be offered, almost sufficient to remove the censure, and leave the feeling of regret entire and alone. The foolish indulgence of a father, from whom he inherited his talents certainly, but little principle, put him, while yet a boy, in the possession of pecuniary resources which cannot safely be trusted to more advanced stages of youth ; and the dissipated habits of the times drew him, before the age of manhood, into the whirlpool of fashionable excess. In the comparatively correct age in which our lot is cast, it would be almost as unjust to apply our more severe standard to him and his associates, as it would have been for the Ludlows and Hutchinsons of the seventeenth century, in writing a history of the Roman empire, to denounce the immoralities of Julius Cæsar. Nor let it be forgotten, that the noble heart and sweet disposition of this great man passed unscathed through an ordeal which, in almost every other instance, is found to deaden all the kindly and generous affections. A life of gambling, and intrigue, and faction, left the nature of Charles Fox as little tainted with selfishness or falsehood, and his heart as little hardened, as if he had lived and died in a farm-house ; or rather as if he had not outlived his childish years.

The historian of a character so attractive, the

softer features of which present a rare contrast to the accustomed harshness of political men, is tempted to extend the same indulgence, and ascribe the errors of the statesman to the accidents of his position, or the less lofty tone of principle which distinguished the earlier period of his public life, while his principles of conduct were forming and ripening. The great party, too, which he so long led with matchless personal influence, would gladly catch at such a means of defence; but as the very same measure of justice or of mercy must be meted out to the public conduct of Mr. Pitt, his great rival, there would be little gain to party pride by that sacrifice of principle which would alone lead to such unworthy concessions. It is of most dangerous example, of most corrupting tendency, ever to let the faults of statesmen pass uncensured; or to treat the errors or the crimes which involve the interests of millions with the same indulgence towards human frailty which we may, in the exercise of charity, show towards the more venial transgressions that only hurt an individual; most commonly only the wrong-doer himself. Of Mr. Fox it must be said, that whilst his political principles were formed upon the true model of the Whig School, and led him, when combined with his position as opposing the government's warlike and oppressive policy, to defend the liberty of America, and support the cause of peace both in that and the

French war, yet he constantly modified these principles, according to his own situation and circumstances as a party chief; making the ambition of the man and the interest of his followers the governing rule of his conduct. The charge is a grave one; but unhappily the facts fully bear it out. Because Lord Shelburne had gained the King's ear, by an intrigue possibly, but then Lord Shelburne never had pretended to be a follower of Mr. Fox, the latter formed a coalition with Lord North, whose person and whose policy he had spent his whole life in decrying; whose misgovernment of America had been the cause of nearly destroying the empire; and whose whole principles were the very reverse of his own. The ground taken by this coalition on which to subvert the government of Lord Shelburne and Mr. Pitt, was, their having made a peace favourable to England beyond what could have been expected, after the state to which Lord North's maladministration had reduced her; their having, among other things, given the new American States too large concessions; and their having made inadequate provision for the security and indemnity of the American loyalists. On such ground they, Mr. Fox and Lord North, succeeded in overturning the ministry, and took their places; which they held for a few months, when the King dismissed them, amidst the all but universal joy of the country; men of all ranks, and parties, and

sects, joining in one feeling of disgust at the factious propensities in which the unnatural alliance was begotten; and apprehending from it, as Mr. Wilberforce remarked, “a progeny stamped with the features of both parents, the violence of the one party, and the corruption of the other.” This grand error raised the Tories and Mr. Pitt to the power which, during their long and undisturbed reign, they enjoyed, notwithstanding all the unparalleled difficulties of the times, and in spite of so many failures in all the military enterprises of themselves and of their foreign allies. The original quarrel with Mr. Pitt was an error proceeding from the same evil source. His early but mature talents had been amply displayed; he had already gained an influence in Parliament and the country, partly from hereditary, partly from personal qualities, second only to that of Mr. Fox; his private character was wholly untarnished; his principles were the same with those of the Whigs; he had nobly fought with them the battle which destroyed the North administration. Yet no first-rate place could be found to offer him; although Mr. Fox had once and again declared a boundless admiration of his genius, and an unlimited confidence in his character. Lord John Cavendish, of an illustrious Whig house by birth, but himself one of the most obscure of mankind, must needs be made Chancellor of the Exchequer; Mr. Pitt was only



the son of Lord Chatham, and a man of vast talents, as well as spotless reputation, and he was thus not permitted, without a sacrifice of personal honour, to be the ally of Mr. Fox, in serving their common country. How much misery and mischief might the world have been spared had the Rockingham Ministry preferred Mr. Pitt to Lord John Cavendish, and made the union between him and the Whigs perpetual ! We shall presently see that an error almost as great in itself, though in its consequences far from being so disastrous, was afterwards committed by Mr. Pitt himself.

The interval between the American and the French wars was passed by Mr. Fox in opposing whatever was proposed by his antagonist ; with the single exception of the measures for restoring the Stadtholder's authority in 1787. His hearty admiration of the French Revolution is well known ; and it was unqualified by any of the profound and sagacious forebodings of Mr. Burke, excited by the distrust of vast and sudden changes among a people wholly unprepared ; and which seems never afterwards to have been diminished by the undoubted fact of a minority having obtained the sway, and being compelled to make up, with the resources of terror, for the essential want of support among the people at large. The separation of his aristocratic supporters, and the unfortunate war to which it led, left him to struggle for peace

and the Constitution, with a small but steady band of noble-minded associates; and their warfare for the rights of the people during the dismal period of alarm which elapsed from 1793 to 1801, when the healing influence of the Addington Government was applied to our national wounds, cannot be too highly extolled. The Whigs thus regained the confidence of the nation, which their Coalition ten years before seemed to have forfeited for ever. The new junction with the Grenville party in 1804 was liable to none of the same objections; it was founded on common principles; and it both honoured its authors and served the State. But when, upon Mr. Pitt's death, Mr. Fox again became possessed of power, we find him widely different from the leader of a hopeless though high-principled Opposition to the Court of George III. He consented to take office without making any stipulation with the King on behalf of the Catholics; a grave neglect, which afterwards subverted the Whig Government; and if it be said that this sacrifice was made to obtain the greater object of peace with France, then it must be added that he was slack indeed in his pursuit of that great object. He allowed the odious income-tax to be nearly doubled, after being driven, one by one, from the taxes proposed; and proposed on the very worst principles ever dreamt of by financiers. He de-

fended the unprincipled arrangement for making the Lord Chief Justice of England a politician, by placing him in the Cabinet. He joined as heartily as any one in the fervour of loyal enthusiasm for the Hanoverian possessions of the Crown. On one great subject his sense of right, no less than his warm and humane feelings, kept him invariably true to the great principles of justice as well as policy. His attachment was unceasing, and his services invaluable, to the Abolition of the Slave Trade, which his last accession to office certainly accelerated by several years. For this, and for his support of Lord Erskine in his amendment of the Law of Libel, the lasting gratitude of his country and of mankind is due ; and to the memory of so great and so amiable a man it is a tribute which will ever be cheerfully paid. But to appreciate the gratitude which England owes him, we must look, not to his ministerial life ; we must recur to his truly glorious career as leader of the patriot band which, during the almost hopeless struggle from 1793 to 1801, upheld the cause of afflicted freedom. If to the genius and the courage of Erskine we may justly be said to owe the escape from proscription and from arbitrary power, Fox stands next to him as the preserver of that sacred fire of liberty which they saved to blaze forth in happier times. Nor could even Erskine have

triumphed as he did, had not the party which Fox so nobly led persevered in maintaining the holy warfare, and in rallying round them whatever was left of the old English spirit to resist oppression.

END OF VOL. I.







DA  
506  
A1  
B73  
1845  
Vol 1

THE LIBRARY  
UNIVERSITY OF CALIFORNIA  
Santa Barbara

THIS BOOK IS DUE ON THE LAST  
STAMPED BELOW.



UC SOUTHERN REGIONAL LIBRARY FACILITY



**AA**

000 339 347 7

